

FEDERAL REGISTER

VOLUME 29 NUMBER 217

Washington, Thursday, November 5, 1964

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Miscellaneous Amendments

In Federal Register Document 64-11028 filed October 28, 1964 (29 F.R. 14711), the section number and heading “§ 890.-306 *Effective dates.*” should be inserted immediately after the first paragraph in § 890.305, and the word “requests” in the last sentence in § 890.503 (c) (3) should be changed to “request”.

(Sec. 10, 73 Stat. 715; 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE
COMMISSION,

[SEAL] DAVID F. WILLIAMS,

Director,

Bureau of Management Services.

[F.R. Doc. 64-11331; Filed, Nov. 4, 1964;
8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 3—NATIONAL BANK LOANS SECURED OR COVERED BY GOV- ERNMENTAL GUARANTIES

Definition of Terms

This amendment issued under authority of R.S. 5200, 12 U.S.C. 84(10), as amended, revises § 3.1 to redefine the term “unconditional” so as to include certain loans made in reliance upon the guaranty of the Small Business Administration. Since this amendment (a) interprets a term used in the statute, (b) recognizes a relief from a restriction and (c) is needed immediately to meet a continuing problem of National Banks, notice, public procedure, and delayed effectiveness of this amendment are found to be impractical, unnecessary, and contrary to the public interest. This amendment, therefore, will become effective upon publication.

Part 3, Ch. I, Title 12, of the Code of Federal Regulations of the United States of America is amended by revising § 3.1 to read as follows:

§ 3.1 Definition of terms.

(a) The requirement of exception 10 (R.S. 5200, 12 U.S.C. 84(10)) that a guaranty or a commitment or agreement to take over or to purchase, referred to collectively herein as “agreement,” must be unconditional means that the protection afforded to the bank thereby against loss resulting from factors beyond its control, must not be substantially di-

minished or impaired. This protection is not materially diminished or impaired by procedural requirements (for example, a requirement that notification of a default be given by the lender to the guarantor within 20 days of its occurrence, even though demand for payment under the guaranty cannot be made until after the expiration of 90 days) or by requirements of good faith on the part of the bank. Such requirements, therefore, would not prevent an agreement from being unconditional for the purposes of this statute.

(b) An agreement is not unconditional within the meaning of Exception 10 if liability thereunder (1) is contingent upon the happening of an event or a condition precedent not within the control of the bank, or (2) is subject to defeasance by a contingency or a condition subsequent not within the control of the bank.

(c) An agreement may be unconditional even though it is to take over a loan only in the event of default. The requirement of the exception that the agreement must be unconditional and must be performed by payment in cash within sixty days after demand does not imply that there must be a right to demand performance prior to default.

Dated: October 30, 1964.

[SEAL]

JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-11298; Filed, Nov. 4, 1964;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Doc. 955; Reg. No. SFAR-10]

PART 43—MAINTENANCE, PREVEN- TIVE MAINTENANCE, REBUILDING AND ALTERATION [NEW]

Special Federal Aviation Regulation; Mechanical Work Performed on United States Registered Aircraft by Certain Canadian Mechanics

Special Civil Air Regulation No. SR-377D, effective from November 1, 1963, to November 1, 1964, extended the provisions of SR-377C, which provided an implementation of a reciprocal arrangement between Canada and the United States. The purpose of this Special Federal Aviation Regulation is to extend the provisions of SR-377D for an additional one-year period.

Section 610(a) of the Federal Aviation Act of 1958 provides, in pertinent part, that, “It shall be unlawful * * * for any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air

commerce without an airman certificate authorizing him to serve in such capacity * * *.” The term “airman” as defined in section 101(7) of the Act includes “* * * (except to the extent the Administrator may otherwise provide with respect to individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances * * *.” Under the provisions of this latter section, the Administrator is authorized, in effect, to exempt certain persons employed outside the United States from the requirements of holding a United States airman certificate.

The current provisions of SR-377D permit maintenance, repair, and alteration operations on aircraft of United States registry to be performed in Canada by or under the direct supervision of a mechanic holding a certificate of competence and appropriate ratings issued by the Canadian Government, subject to the condition that such operations performed are listed and certified by him in a manner and on a form prescribed by the Administrator, and subject to the further condition that all such operations are performed in conformance with the requirements of Part 43 [New] of the Federal Aviation Regulations.

SR-377D pertained to Part 18 of the Civil Air Regulations. That Part has been recodified into Part 43—Maintenance, Preventive Maintenance, Rebuilding, and Alterations [New] of the Federal Aviation Regulations. Therefore, this special regulation will be a Special Federal Aviation Regulation pertaining to Part 43 [New].

The circumstances which prompted the Agency to adopt SR-377D and its predecessor regulations continue to exist. Therefore, the provisions of that regulation are being extended for an additional period of one year.

Since this regulation continues in effect the provisions of the previous regulation and imposes no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and it may be made effective in less than 30 days from publication.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted, effective November 1, 1964:

1. An individual holding a valid mechanic certificate of competence and appropriate ratings issued by the Canadian Government shall not be deemed an airman within the meaning of section 101(7) of the Federal Aviation Act of 1958, with respect to inspection, maintenance, overhaul, or repair operations conducted in Canada in connection with aircraft of United States registry, and such individual, notwithstanding any contrary provisions of the Civil Air Regulations or the Federal Aviation Regulations, may perform those operations in connection with

United States aircraft in Canada. However, in the case of repair, alteration, and maintenance, that operation must be listed and certified to by him in a manner and on a form prescribed by the Administrator and must be performed in conformance with the requirements of Part 43 [New] of the Federal Aviation Regulations.

2. An aircraft, aircraft engine, or propeller on which any major repair or major alteration has been performed as authorized herein shall not be flown in air commerce until examined, inspected, and approved by a Canadian Department of Transport Inspector of Aircraft. Such approval shall be indicated in a manner and on a form prescribed by the Administrator.

This regulation supersedes Special Civil Air Regulation No. SR-377D, and shall terminate November 1, 1965, unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 101(7), 313(a), 601, 605, and 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1301, 1354, 1421, 1425, 1430))

Issued in Washington, D.C., on October 29, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-11280; Filed, Nov. 4, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-WA-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation and Alteration of Reporting Points

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to designate the Millinocket, Maine, VOR as a reporting point and change the name of the Cape Spencer, Alaska, Intersection to Yakobi, Alaska, Intersection.

Air traffic control requirements periodically change with regard to specific reporting points. In the case of the Millinocket VOR, this facility is required to facilitate the separation of east-west traffic on J-500 from north-south traffic on J-49 and J-55. In the case of the Cape Spencer Intersection, the Cape Spencer radio beacon is located approximately 25 miles away from the Intersection and the duplication of place names often results in confusion in receiving traffic control instructions.

Since these amendments are procedural in nature and do not involve the assignment of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.211 (29 F.R. 1228) the following change is made: "Cape Spencer INT: INT NW course Sitka, Alaska, R.R., SW course Gustavas, Alaska, R.R." is de-

leted and "Yakobi INT: INT NW course Sitka, Alaska, R.R., SW course Gustavas, Alaska, R.R." is substituted therefor.

2. In § 71.207 (29 F.R. 1223) the following is added: "Millinocket, Maine."

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 64-11276; Filed, Nov. 4, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the Detroit City Airport control zone and the Detroit City transition area.

The Canadian Department of Transport has advised that the Windsor, Ontario, Canada, VOR navigational facility will be relocated to a new site. The new location will be at latitude 42°14'54" N., longitude 82°49'44" W. Since the control zone and the transition area designations are predicated in part on radials of the Windsor VOR, the action taken herein is necessitated by the new location of the Windsor VOR. In addition, the Detroit RBN has been renamed the Madison Heights RBN.

This relocation is to take place on November 19, 1964. Since approach procedures are dependent in part on the control zone and transition area designations, any delay in making these amendments will jeopardize public safety. For this reason, the Administrator finds that a situation exists wherein notice and public procedure hereon are impractical, and good cause exists for making the amendments effective on less than the 30-day notice required by section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 19, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Detroit City Airport control zone is altered as follows:

Detroit, Mich. (Detroit City Airport).

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the 143° bearing from the Madison Heights, Mich. RBN, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15 and within 2 miles each side of the Windsor, Ontario, Canada, R.R. NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

2. In § 71.181 (29 F.R. 1160), the Detroit City transition area is altered as follows:

Detroit City, Mich.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 143° and 323° bearings from the Madison Heights, Mich., RBN, extending from 6 miles NW of the approach end of the Detroit City Airport Runway 15 to 8 miles NW of the RBN, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial, extending from 4 miles NW to 14 miles NW of the Detroit City Airport.

These amendments are made under authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 27, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-11277; Filed, Nov. 4, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On September 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13143) stating that the Federal Aviation Agency proposed to alter the control zone and designate the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) transition area.

There was a typographical error in the proposed redesignation of the control zone as published in the FEDERAL REGISTER. The location of Dobbins AFB/NAS Atlanta was specified incorrectly as latitude 33°55'00" N., longitude 84°41'00" W. However, the correct airport location (latitude 33°55'00" N., longitude 84°31'00" W.) was shown three times elsewhere in the same notice. Since this typographical error was editorial in nature and its correction imposes no additional burden on any person, notice and public procedure are unnecessary.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 (New) of the Federal Aviation Regulations is amended, effective January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) control zone is amended to read:

Atlanta, Ga. (Dobbins AFB/NAS Atlanta).

Within a 5-mile radius of the Dobbins AFB/NAS Atlanta (latitude 33°55'00" N., longitude 84°31'00" W.); within 2 miles each side of the 105° bearing from the Lost Mountain, Ga., RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 301° radial of the NAS Atlanta TACAN (latitude 33°54'08" N., longitude 84°30'35" W.) extending from the 5-mile radius zone to 7 miles NW of the TACAN.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Atlanta, Ga. (Dobbins AFB/NAS Atlanta).

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°-55'00" N., longitude 84°31'00" W.); within 2 miles each side of the NAS Atlanta TACAN 301° radial extending from the 7-mile radius area to 10 miles NW of the TACAN; within 2 miles each side of the Norcross, Ga., VORTAC 265° radial extending from the 7-mile radius area to 9 miles W of the Dobbins AFB/NAS Atlanta Airport Reference Point (latitude 33°55'00" N., longitude 84°31'00" W.); excluding that airspace within a 15-mile radius of the Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.).

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 28, 1964.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 64-11278; Filed, Nov. 4, 1964;
8:45 a.m.]

[Airspace Docket No. 64-CE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On September 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12592) stating that the Federal Aviation Agency proposed to designate a transition area at Independence, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

Independence, Kans.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Independence Municipal Airport (latitude 37°09'30" N., longitude 95°46'30" W.), and within 8 miles NE and 5 miles SW of the 157° bearing from the Independence Municipal Airport extending from the Airport to a point 12 miles SE.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-11279; Filed, Nov. 4, 1964;
8:45 a.m.]

[Special Federal Aviation Reg. 11; Reg.
Docket No. 6300]

PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

Prohibition of Air Traffic Over and in Vicinity of Houston, Texas

On November 2, 1964, President Lyndon B. Johnson will visit Houston, Tex.

The interest of the public in the President and the large assemblage of persons resulting from his presence should attract numerous aircraft in the area that will be operated over the city of Houston and through the airspace generally used by other aircraft. In addition, the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic to prohibit the operation of all types of aircraft in the vicinity of Houston, Tex., below 3,000 feet above the surface unless authorized by the Houston International Airport Traffic Control Tower.

I have determined that there is a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it impracticable and contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by the Houston International Airport Traffic Control Tower, no person may operate an aircraft during the period from 1500 to 2100 hours, c.s.t., on November 2, 1964, below 3,000 feet above the surface within an area bounded on the south by the Houston VORTAC 282° radial; on the west and north by an arc of a 15 nautical mile radius circle centered at the Houston VORTAC; and on the east by the Houston VORTAC 070° radial.

(2) This regulation becomes effective immediately and expires at 2100, c.s.t., November 2, 1964.

(Sec. 307, Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 1, 1964.

HAROLD W. GRANT,
Deputy Administrator.

[F.R. Doc. 64-11338; Filed, Nov. 4, 1964;
10:51 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6208; Amdt. 396]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

Correction

In F.R. Doc. 64-9707, appearing in the issue for Friday, October 23, 1964, at page 14534, in the third table for amendatory paragraph 2 (§ 97.11(b)), under "Ceiling and visibility minimums", the last column opposite Park City FM and BILVOR should read as follows:

200-1/2
500-1 1/2
800-2

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

MISCELLANEOUS AMENDMENTS

Following the publication of the definitions and procedural and interpretative color additive regulations on June 22, 1963, informal comments were received about certain inconsistencies. The Commissioner of Food and Drugs concluded that certain minor amendments should be made for the purpose of clarifying these regulations. Therefore, pursuant to the provisions of Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055 as amended, 74 Stat. 399 et seq.; 21 U.S.C. 371, 376) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471): *It is ordered*, That Subpart A be amended as follows:

1. Section 8.1(e) is amended by substituting "Bureau of Scientific Standards and Evaluation" for "Bureau of Biological and Physical Sciences." As amended, paragraph (e) reads as follows:

§ 8.1 Definitions and interpretations.

(e) "Color Certification Branch" means the unit established within the Food and Drug Administration located in the Bureau of Scientific Standards and Evaluation, charged with the responsibility for the mechanics of the certification procedure hereinafter described, and including the examination of samples of color additives subject to certification.

2. Section 8.24(b) is amended by substituting "the person requesting certification" for "manufacturer." As amended, paragraph (b) reads as follows:

§ 8.24 Treatment of batch pending certification.

(b) Held under the control of the person requesting certification until certified.

3. In § 8.25, paragraph (a) is amended by substituting "the person requesting certification" for "manufacturer" and by deletion of the words "and pure color content", and paragraph (b) is amended by substituting "the person requesting certification" for "manufacturer." As amended, § 8.25 reads:

§ 8.25 Treatment of batch after certification.

(a) Immediately upon notification that a batch of color additive has been certified, the person requesting certification thereof shall identify such batch,

by labeling, with the certified lot number.

(b) The person requesting certification shall maintain storage in such manner as to prevent change in composition until such batch has been packaged and labeled as required by §§ 8.31 and 8.32, except that the person requesting certification may use such color additive for the purpose of coloring a food, drug, or cosmetic.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since these changes to the procedural regulations are editorial in nature and are nonrestrictive.

Effective date. This order shall be effective on the date of its publication in the *FEDERAL REGISTER*.

(Secs. 701, 706, 52 Stat. 1055 as amended, 74 Stat. 399 et seq.; 21 U.S.C. 371, 376)

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11321; Filed, Nov. 4, 1964;
8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Black-Eye Peas, Potatoes; Order Listing Disodium EDTA and Calcium Disodium EDTA as Optional Ingredients

A notice of proposed rule making in the above-referenced matter was published in the *FEDERAL REGISTER* of September 2, 1964 (29 F.R. 12517) setting forth proposals by the Geigy Chemical Corp., Ardsley, N.Y., to amend the definition and standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to list disodium EDTA in an amount not to exceed 145 parts per million as a permitted optional ingredient in canned black-eye peas, and calcium disodium EDTA in an amount not to exceed 110 parts per million as a permitted optional ingredient in canned potatoes. In each case appropriate provisions were proposed for label declaration of the EDTA salts.

In consideration of the information furnished by the petitioner, and other available relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare, by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471): *It is ordered*, That, paragraphs (c) and (f) of the standard of identity for vegetables other than those specifically regulated (21 CFR

51.990) be amended by adding two new subparagraphs to each, as follows:

§ 51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

(c) * * *

(11) In the case of canned black-eye peas, disodium EDTA may be added in a quantity not to exceed 145 parts per million.

(12) In the case of canned potatoes, calcium disodium EDTA may be added in a quantity not to exceed 110 parts per million.

(f) * * *

(10) If the optional ingredient specified in paragraph (c) (11) of this section is present, the label shall bear the statement "disodium EDTA added as a preservative" or "disodium EDTA added to preserve color."

(11) If the optional ingredient specified in paragraph (c) (12) of this section is present, the label shall bear the statement "calcium disodium EDTA added as a preservative" or "calcium disodium EDTA added to preserve color."

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the *FEDERAL REGISTER* file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the *FEDERAL REGISTER*, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the *FEDERAL REGISTER*.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11322; Filed, Nov. 4, 1964;
8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs having evaluated data in a petition

(FAP 1404) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., and other relevant material has concluded that an amendment to § 121.1017 should issue to prescribe the safe use of calcium disodium EDTA to promote color retention in canned white potatoes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), paragraph (b) (1) of § 121.1017 is amended by insertion, in alphabetical sequence, of a new item as follows:

§ 121.1017 Calcium disodium EDTA.

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
Canned white potatoes.	110	Promote color retention.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the *FEDERAL REGISTER* file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the *FEDERAL REGISTER*.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11323; Filed, Nov. 4, 1964;
8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1330) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., and other relevant material, has con-

cluded that an amendment to the food additive regulations (21 CFR 121.1056; 29 F.R. 2383) should issue to prescribe the safe use of disodium EDTA as a color stabilizer in canned black-eyed peas. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1056(b)(1) is amended by inserting alphabetically in the table the following new item:

§ 121.1056 Disodium EDTA.

Food	Limitation (parts per million)	Use
Canned black-eyed peas.	145	Promote color retention.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11324; Filed, Nov. 4, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRATE; SODIUM NITRITE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1522) filed by the Association of Smoked Fish Processors, Inc., 111 Broadway, New York 6, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium nitrate and sodium nitrite as preservatives and color fixatives in

smoked, cured, sablefish. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), §§ 121.1063 (a)(1) and 121.1064(a)(2) are amended as follows:

§ 121.1063 Sodium nitrate.

(a) As a preservative and color fixative, with or without sodium nitrite, in smoked, cured sablefish, smoked, cured salmon, and smoked, cured shad, so that the level of sodium nitrate does not exceed 500 parts per million (0.05 percent) and the level of sodium nitrite does not exceed 200 parts per million (0.02 percent) in the finished product.

§ 121.1064 Sodium nitrite.

(a) As a preservative and color fixative, with or without sodium nitrate, in smoked, cured sablefish, smoked, cured salmon, and smoked, cured shad so that the level of sodium nitrite does not exceed 200 parts per million (0.02 percent) and the level of sodium nitrate does not exceed 500 parts per million (0.05 percent) in the finished product.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by

grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11326; Filed, Nov. 4, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYVINYLPIRROLIDONE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1411) filed by General Aniline and Film Corp., Dyestuff and Chemical Division, 435 Hudson Street, New York 14, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of polyvinylpyrrolidone as an adjuvant in the binding and coating of vitamin and mineral concentrates, non-nutritive sweeteners, and flavor concentrates in tablet form and as a stabilizer, bodying agent, and dispersant in vitamin and mineral concentrates and nonnutritive sweeteners in liquid form. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1139 is amended by revising paragraph (b) and by deleting paragraph (c). Revised paragraph (b) reads as follows:

§ 121.1139 Polyvinylpyrrolidone.

(b) The additive is used or intended for use in foods as follows:

Food	Limitations
Flavor concentrates in tablet form...	As a tableting adjuvant in an amount not to exceed good manufacturing practice.
Nonnutritive sweeteners in concentrated liquid form.	As a stabilizer, bodying agent, and dispersant, in an amount not to exceed good manufacturing practice.
Nonnutritive sweeteners in tablet form.	As a tableting adjuvant in an amount not to exceed good manufacturing practice.
Vitamin and mineral concentrates in liquid form.	As a stabilizer, bodying agent, and dispersant, in an amount not to exceed good manufacturing practice.
Vitamin and mineral concentrates in tablet form.	As a tableting adjuvant in an amount not to exceed good manufacturing practice.
Vinegar	As a clarifying agent, at a level not to exceed 40 parts per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.,

written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hear-

ing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11325; Filed, Nov. 4, 1964;
8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ISOPARAFFINIC PETROLEUM HYDROCARBONS, SYNTHETIC

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1498) submitted by Humble Oil & Refining Co., Houston 1, Tex., and other relevant material, has concluded that § 121.2558 of the food additive regulations should be amended to provide for the use of higher boiling synthetic isoparaaffinic petroleum hydrocarbons. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2558(a) is amended by changing the specification "Boiling point 145°-410° F., as determined by A.S.T.M. Method D-86," to read "Boiling point 145°-500° F., as determined by A.S.T.M. Method D-86."

As amended, § 121.2558 reads as follows:

§ 121.2558 Isoparaaffinic petroleum hydrocarbons, synthetic.

(a) * * *
Boiling point 145°-500° F., as determined by A.S.T.M. Method D-86.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be ac-

companied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11327; Filed, Nov. 4, 1964;
8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS

Subpart A—Definitions

Subpart B—Procedures for Domestic Drug Establishments

Effective as of the date of publication of this order in the FEDERAL REGISTER, Subparts A and B are revised to read as set forth below. This revision is made principally for the purpose of deletion or rewriting obsolete material, and none of the amendments made are within the purview of section 4 of the Administrative Procedure Act, requiring notice and public procedure and delayed effective date. Authority for the promulgation of this order is contained in the Federal Food, Drug, and Cosmetic Act (secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371).

Subpart A—Definitions

§ 132.1 Definitions.

(a) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U.S.C. 301-392).

(b) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, independent laboratories that engage in control activities for registered drug establishments (e.g., "consulting" laboratories) and manufacturers of medicated feeds and of vitamin products that are "drugs" within the meaning of section 201(g) of the act.

(c) "Manufacture, preparation, propagation, compounding, or processing" of a drug or drugs, as used in this part, means the making by chemical, physical, biological, or other procedures of any articles which meet the definition of drugs as defined in section 201(g) of the act, and including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The term includes repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(d) The definitions and interpretations contained in sections 201 and 510 of the Federal Food, Drug, and Cosmetic Act

shall be applicable to such terms when used in the regulations in this Part 132.

(Secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371)

Subpart B—Procedures for Domestic Drug Establishments

Sec.

- 132.2 Who must register.
- 132.3 Times for registration.
- 132.4 How and where to register.
- 132.5 Information required.
- 132.6 Notification of registrant; drug establishment registration number.
- 132.7 Inspection of registrations.
- 132.8 Amendments to registration.
- 132.9 Misbranding by reference to registration or to registration number.

AUTHORITY: The provisions of this Subpart B issued under secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371.

§ 132.2 Who must register.

Owners or operators of all drug establishments not exempt under section 510 (g) of the act or Subpart D of this Part 132 that engage in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register. Such owners or operators are required to register, whether or not the output of such establishment enters interstate commerce. Owners or operators of establishments who are submitting New-Drug Applications or Antibiotic Forms 5, 6, and/or 10 preparatory to engaging in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register before the New-Drug Application or Antibiotic Forms 5, 6, and/or 10 are approved. No registration fee is required.

§ 132.3 Times for registration.

The owner or operator of an establishment entering into an operation defined in § 132.1(c) must register such establishment within 5 days after the beginning of such operation. If the owner or operator of such an establishment has not previously entered into such operation, registration must follow within 5 days after the submission of a New-Drug Application or Antibiotic Forms 5, 6, and/or 10. Owners or operators of all establishments so engaged must register annually between November 15 and December 31.

§ 132.4 How and where to register.

The first registration of an establishment as a producer of drugs will be Form FD-1597, obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204, or at any of the Food and Drug Administration district offices listed below:

- Food and Drug Administration, 60 Eighth Street NE, Atlanta, Ga., 30309.
- Food and Drug Administration, 900 Madison Avenue, Baltimore, Md., 21201.
- Food and Drug Administration, 585 Commercial Street, Boston, Mass., 02109.
- Food and Drug Administration, 599 Delaware Avenue, Buffalo, N.Y., 14202.
- Food and Drug Administration, Room 1222, Main Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.
- Food and Drug Administration, 1141 Central Parkway, Cincinnati, Ohio, 45202.

Food and Drug Administration, 3032 Bryan Street, Dallas, Tex., 75204.
 Food and Drug Administration, Room 573, New Customhouse Building, 20th and California Streets, Denver, Colo., 80202.
 Food and Drug Administration, 1560 East Jefferson Avenue, Detroit, Mich., 48207.
 Food and Drug Administration, 1009 Cherry Street, Kansas City, Mo., 64106.
 Food and Drug Administration, 1521 West Pico Boulevard, Los Angeles, Calif., 90015.
 Food and Drug Administration, 240 Hennepin Avenue, Minneapolis, Minn., 55401.
 Food and Drug Administration, Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, La., 70130.
 Food and Drug Administration, Room 1200, U.S. Appraisers Stores Building, 201 Varick Street, New York, N.Y., 10014.
 Food and Drug Administration, Room 1204, U.S. Customhouse Building, Second and Chestnut Streets, Philadelphia, Pa., 19106.
 Food and Drug Administration, Room 1002, U.S. Courthouse and Customhouse Building, 1114 Market Street, St. Louis, Mo., 63101.
 Food and Drug Administration, Room 518, Federal Office Building, 50 Fulton Street, San Francisco, Calif., 94102.
 Food and Drug Administration, Room 501, Federal Office Building, 909 First Avenue, Seattle, Wash., 98104.

Subsequent annual registration will be accomplished on Form FD-1597, which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose drug registration for that year was validated pursuant to § 132.6. The completed form should be mailed to Drug Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204.

§ 132.5 Information required.

Form FD-1597 will require furnishing or confirming information required by the act. This information includes the name and street address of the drug establishment, including postoffice Zip code; all trade names used by the establishment; the kind of ownership or operation (e.g. individually owned, partnership, or corporation); and the name of the owner or operator of such establishment. The term "name of owner" or "operator" shall include in the case of a partnership the name of each partner and in the case of a corporation the name and title of each corporation officer and director, and the name of the State of incorporation. The information required shall be given separately for each establishment as defined in § 132.1(b).

§ 132.6 Notification of registrant; drug establishment registration number.

The Commissioner of Food and Drugs will provide to the registrant a validated copy of the registration form as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each drug establishment registered in accordance with these regulations.

§ 132.7 Inspection of registrations.

A copy of the required information filed by the registrant pursuant to § 132.5 will be available for inspection pursuant to section 510(f) of the act, at the Office of Public Information, Food and Drug Administration, Department of Health,

Education, and Welfare, Washington, D.C. In addition, there will be available for inspection at each of the Food and Drug Administration district offices listed in § 132.4 the same information for firms within the geographical area of such district office. Inquiries regarding the location of any particular registration should be directed to Drug Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204.

§ 132.8 Amendments to registration.

Changes in individual ownership, corporate or partnership structure, or of street address shall be submitted by letter in triplicate as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of corporations do not require such amendment but must be shown at the time of annual registration.

§ 132.9 Misbranding by reference to registration or to registration number.

Registration of a drug establishment or assignment of a drug establishment registration number does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of registration or possession of registration number will be considered misleading.

(Secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371)

Dated: October 29, 1964.

GEO. P. LARRICK,
 Commissioner of Food and Drugs.

[F.R. Doc. 64-11328; Filed, Nov. 4, 1964; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56298]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Wool and Hair of Camel

Item 306.00, Tariff Schedules of the United States, provides for the free entry of certain wool or hair to be used in the manufacture of the articles enumerated therein. Public Law 88-331, approved June 30, 1964 (T.D. 56224), amended that provision to add "Karakul wools, and other wools of whatever blood or origin not finer than 40s * * * for use only in the manufacture of pressed felt for polishing plate and mirror glass." Therefore, the first sentence of § 10.91(b) is amended to read as follows:

§ 10.91 Importation under item 306.00; entry or withdrawal under bond.

(b) When entry is made on customs Form 7501, it shall have endorsed thereon the following notation:

Above merchandise entered under bond for use in the manufacture of -----

(camel hair belting, felt or knit boots, floor coverings, heavy fulled lumbermen's socks, press cloth, papermakers' felts, or pressed felt for polishing plate and mirror glass) under the provision of item 306.00, Tariff Schedules of the United States * * *.

Further, footnote 83 to § 10.91(a) is amended to read as follows:

* "Wools provided for in item 306.10, 306.11, 306.12, or 306.13, all other wools of whatever blood or origin not finer than 46s (except carbonized wools), and hair of the camel provided for in item 306.40, 306.41, 306.42, or 306.43, entered by a dealer manufacturer, or processor for use only in the manufacture of camel hair belting, felt or knit boots, floor coverings, heavy fulled lumbermen's socks, press cloth, or papermaker's felts; and Karakul wools and other wools of whatever blood or origin not finer than 40s, entered by a dealer, manufacturer, or processor for use only in the manufacture of pressed felt for polishing plate and mirror glass * * *". (Item 306.00, Tariff Schedules of the United States, as amended.)

(Sec. 101, 76 Stat. 72; Sch. 3, pt. 1C hdnote. 6, Tariff Schedules of the U.S.)

[SEAL] LESTER D. JOHNSON,
 Acting Commissioner of Customs.

Approved: October 30, 1964.

JAMES POMEROY HENDRICK,
 Acting Assistant Secretary of
 the Treasury.

[F.R. Doc. 64-11299; Filed, Nov. 4, 1964; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER M—COAST GUARD VESSELS

[CGFR 64-68]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

Vertical Separation of Range Lights and Height of Forward Masthead Lights for Certain WAVP and WPG Types of Coast Guard Cutters

The provisions of section 2 and Rule 13(b) in section 6 of the act of October 11, 1951 (65 Stat. 407, 415; 33 U.S.C. 143a, 145k), section 1 of the act of December 3, 1945, as amended (59 Stat. 590; 33 U.S.C. 360), and section 5 of the act of May 21, 1948 (Sec. 5, 62 Stat. 250; 33 U.S.C. 356), provide, in essence, that Coast Guard vessels of special construction may be exempted from certain requirements of the various applicable laws with respect to the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels when navigating on the high seas or on navigable waters of the United States, its territories, or possessions. Section 2 of the act of October 11, 1951, section 1 of the act of December 3, 1945, and section 5 of the act of May 21, 1948, also provide that if any exempted vessel or class of vessels, by reason of special construction, cannot comply with the applicable requirements, the lights pre-

scribed shall conform as closely to the requirements of the applicable laws as it is found or certified to be feasible. These laws also require that notice of such findings or certifications, together with the requirements describing the character and position of the lights to be displayed on such exempted vessels, shall be published in the FEDERAL REGISTER and in the Notice to Mariners.

Certain Coast Guard vessels of special construction cannot comply with certain applicable statutory requirements relating to the lights required to be displayed by public and private vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions, without seriously affecting the characteristics and functions of the vessels concerned. Changes in antennas on certain Coast Guard Cutters required the relocation of masthead lights. The planned employment of these ships is such that it is not practical to modify the design to meet the requirements for vertical separation of range lights and minimum height of forward masthead lights without seriously compromising other important vessel characteristics.

It is hereby found that the WAVP and WPG types of Coast Guard Cutters are of special construction, as described in 33 CFR 135.40 and 135.45, below, and cannot comply with the requirements in Rule 2(a) (iii), International Rules, and Article 2 (a), (e), Inland Rules, regarding the vertical separation between the forward masthead light and the after range light shall be at least 15 feet (33 U.S.C. 145(a) (iii), 172 (a), (e)), and the requirements in Rule 2(a) (iii), International Rules, regarding the minimum height of 40 feet above the hull for power driven vessels having a beam in excess of 40 feet (33 U.S.C. 145(a) (iii)), and are therefore exempted. It is hereby found and certified that the requirements for such Coast Guard Cutters in 33 CFR 135.40 and 135.45, below, regarding the vertical separation of range lights and the height of forward masthead lights, conform as closely as feasible to the applicable statutory requirements.

Except as otherwise provided, the Coast Guard vessels described in this document are in full compliance with the other provisions of the applicable International Rules or Inland Rules governing the areas where the vessels will be operated.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-6, dated November 17, 1953 (18 F.R. 7571), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and additions are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

1. The "Cross Reference" in the Code of Federal Regulations at the beginning of Part 135 is amended to read as follows:

CROSS REFERENCE: For Navigational Light Waivers for certain classes and types of naval vessels issued by the Department of Defense, Department of the Navy, see 32 CFR Part 706, Navigational Light Waivers, and Part 707, Distinctive Lights Authorized for Submarines.

2. Section 135.40 is amended to read as follows:

§ 135.40 International Rules and Inland Rules; vertical separation of range lights.

(a) Rule 2(a) (iii), International Rules, and Article 2 (a), (e), Inland Rules, require that the vertical separation between the forward masthead light and the after range light shall be at least 15 feet (33 U.S.C. 145(a) (iii), 172 (a), (e)). Because of special construction the Coast Guard vessels named in this section cannot comply with this requirement and are therefore exempted.

(b) The vertical separation between the forward masthead light and the after range light for the following Coast Guard Cutters shall be as indicated:

USCGC ABSECON (WAVP-374)-----	12'1"
USCGC BERING STRAIT (WAVP-382)-----	13'2"
USCGC CASTLE ROCK (WAVP-383)---	7'0"
USCGC COOK INLET (WAVP-384)----	10'3"
USCGC MACKINAC (WAVP-371)-----	12'7"
USCGC ROCKAWAY (WAVP-377)-----	14'6"
USCGC DUANE (WPG-33)-----	5'5"
USCGC WINONA (WPG-65)-----	13'0"

(Secs. 2 and 6, Rule 13(b), 65 Stat. 407, 415, sec. 1, 59 Stat. 590, sec. 5, 62 Stat. 250; 33 U.S.C. 143a, 145k, 356, 360. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, 167-6, Nov. 17, 1953, 18 F.R. 7571)

3. Part 135 is amended by inserting after § 135.40 a new § 135.45 reading as follows:

§ 135.45 International Rules; height of forward masthead light.

(a) Rule 2(a) (iii), International Rules, requires the forward masthead light to be at a minimum height of 40 feet above the hull for power driven vessels having a beam in excess of 40 feet (33 U.S.C. 145(a) (iii)). Because of special construction the Coast Guard Cutters named in this section cannot comply with this requirement and are therefore exempted.

(b) The height of the forward masthead light for Coast Guard Cutters in the following classes shall be as indicated:

311' WAVP CLASS-----	at least 38'0"
255' WPG CLASS-----	at least 36'0"
327' WPG CLASS-----	at least 38'0"

(Secs. 2 and 6, Rule 13(b), 65 Stat. 407, 415, sec. 1, 59 Stat. 590, sec. 5, 62 Stat. 250; 33 U.S.C. 143a, 145k, 356, 360. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, 167-6, Nov. 17, 1953, 18 F.R. 7571)

Dated: October 27, 1964.

[SEAL] P. E. TRIMBLE,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-11300; Filed, Nov. 4, 1964; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

[CGFR 64-70]

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Subpart 137.01—Authority and Scope

Subpart 137.05—Investigations

MISCELLANEOUS AMENDMENTS

The purpose of the amendments to 46 CFR 137.01-30(a) (3), 137.01-40(a), and 137.05-20(b) is to amend the wording to conform to the jurisdictional limitations in subsection 239(g) in Title 46, U.S. Code, while the amendment to 46 CFR 137.01-1(a) identifies what laws and regulations are included in the reference "title 52 of the Revised Statutes or of any of the regulations issued thereunder." Because these amendments constitute a statutory interpretation, which is also consistent with the Commandant's Merchant Marine Appeal No. 1427 of October 11, 1963, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule-making, public rule making procedure thereon and effective date requirements) is exempted by specific provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5195), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-17, dated June 29, 1955 (20 F.R. 4976), and 167-20, dated June 18, 1956 (21 F.R. 4894), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication in the FEDERAL REGISTER.

1. Section 137.01-1(a) is amended by adding a new subparagraph (1) reading as follows:

§ 137.01-1 Authority for regulations.

(a) * * *

(1) Where the provisions in Title 46, U.S. Code, section 239, or other laws or regulations contain a reference to "title 52 of the Revised Statutes or of any of the regulations issued thereunder," or one similar to it, it is deemed to be a general reference to the applicable provisions in Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230-234, 239, 240, 361, 362, 364, 372, 375, 391, 391a, 392, 393, 399, 400, 402-414, 416, 435, 436, 451-453, 460, 461, 462, 467, 470-482, and 489-498, and the regulations issued thereunder, which are in this chapter.

2. Section 137.01-30(a) (3) is amended to read as follows:

§ 137.01-30 Instituting suspension and revocation proceedings.

(a) * * *

(3) Willfully violated any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder; or

* * * * *

3. Section 137.01-40(a) is amended to read as follows:

§ 137.01-40 Violation of law or regulation.

(a) Under Title 46, U.S. Code, section 239, suspension and revocation proceedings may be conducted, without regard to whether the person charged was in the service of a vessel at the time of the alleged offense, when the charge is a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder.

4. Section 137.05-20(b) is amended to read as follows:

§ 137.05-20 Types of charges.

* * * * *

(b) *Violation of law or regulation.* Where the proceeding is based exclusively on that part of Title 46, U.S. Code, section 239, which refers to a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder, the "charge" shall be "violation of statute" or "violation of regulation." The "specification" shall state the specific statute or regulation by title and section number, and the particular manner in which it was allegedly violated.

* * * * *

(R.S. 4405, as amended, 4462, as amended, and sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 633. Interpret or apply R.S. 4426, as amended, 4450, as amended, sec. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 54 Stat. 165, as amended, secs. 1 to 12, 60 Stat. 237-244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 239a, 239b, 367, 390b, 404, 526f, 5 U.S.C. 1001-1011,

50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-9, Aug. 3, 1954, 19 F.R. 5195; 167-14, Nov. 26, 1954, 19 F.R. 8026; 167-15, Jan. 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976; 167-20, June 18, 1956, 21 F.R. 4894)

Dated: October 30, 1964.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-11301; Filed, Nov. 4, 1964;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-971]

PART 1—PRACTICE AND PROCEDURE

Annual Report of Licensee in Domestic Public Land Mobile Radio Service

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of October 1964.

The Commission having under consideration the desirability of making certain changes in Form L, Annual Report of Licensee in Domestic Public Land Mobile Radio Service.

It appearing, that as a result of a recent study of the Commission's reporting requirements, it was determined that data contained in section II, Mobile Stations Tabulated in Accordance With Priorities For Service, of Annual Report Form L are no longer necessary for the performance of the Commission's regulatory responsibilities since the number of held orders for service has decreased to the point where it is no longer significant; that deletion of section II makes it possible to reduce the size of the form to 8½ x 11 inches, to print all of the instructions on the front of the form, and makes it necessary to renumber the re-

maining sections and items and change the references to items in the instructions; and

It further appearing, that in its present wording, item 8 of section I of Form L is often misunderstood and that a rewording would produce better and more complete returns; and

It further appearing, that compliance with the public notice and rule making procedures of section 4 of the Administrative Procedure Act is unnecessary since one change ordered herein represents a minor relaxation of the Commission's reporting requirements and the other changes are entirely nonsubstantive in nature; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 219(a), 303(j), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective with the report for the year 1964, Annual Report Form L is amended as follows: Section II, Mobile Stations Tabulated in Accordance With Priorities For Service, is deleted; Sections III, IV, V, and VI are renumbered II, III, IV and V, respectively; the item references are changed accordingly; the instructions now appearing on the back of the form are moved to the front of the form; the size of the form is reduced to 8½ x 11 inches; and item 8 of section I is reworded to read as follows: "Indicate total number of mobile stations served by licensee ----- How many of these stations are operated by persons directly or indirectly controlling, controlled by, or under direct or indirect common control with, the licensee? ----- stations."

Released: October 29, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11310; Filed, Nov. 4, 1964;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Proposed Increase in Rate of Assessment for 1964-65 Fiscal Period

Consideration is being given to the following proposal submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the provisions thereof:

(a) That the Secretary find that provisions pertaining to the rate of assessment in paragraph (b) of § 925.204 *Expenses and Rate of Assessment for the 1964-65 Fiscal Period* (29 F.R. 12452) be amended as follows:

§ 925.204 Expenses and rate of assessment for the 1964-65 fiscal period.

(b) Rate of assessment: The rate of assessment, which each handler who first handles fresh prunes shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at eight-tenths cent (\$.008) per one-half bushel or equivalent quantity of fresh prunes so handled by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 30, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 64-11296; Filed, Nov. 4, 1964;
8:46 a.m.]

[7 CFR Parts 1040, 1042]

[Docket Nos. AO-225-A14, AO-240-A7]

MILK IN SOUTHERN MICHIGAN AND MUSKEGON, MICHIGAN, MARKETING AREAS

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice issued on October 20, 1964 (29 F.R. 14544), of a public hearing to be held at the Lansing Civic Center, 505 West Allegan Street, Lansing, Mich., beginning at 10:00 a.m., local time, on November 16, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that evidence will be received on all the proposals contained in this supplemental notice and in the original notice issued October 20, 1964. The date, time, and place of the hearing are unchanged.

The proposals set forth below in this supplemental notice have not received the approval of the Secretary of Agriculture. Proposed by Michigan Producers Dairy, Kalamazoo Milk Producers Association, Independent Cooperative Milk Producers Association of Grand Rapids, McDonald Cooperative Dairy Company, Otsego Sanitary Milk Products Company, Berrien County Milk Producers Association, Michigan Milk Producers Association, and Mackinaw Trail Milk Producers Association:

Proposal No. 15. Revise § 1040.6(c) to read as follows:

§ 1040.6 Handler.

(c) A cooperative association, with respect to milk of its member producers which is delivered to pool distributing plants as defined in § 1040.16(a) in a tank truck in which milk is being transported for members of such cooperative association, for the account of such association, and the cooperative association pays its member producers for such milk so delivered,

Proposal No. 16. Amend § 1040.16(b) by inserting after the words "All supply plants which are operated by one handler," the following words: "all bulk milk delivered by a cooperative association under § 1040.6(c)."

Proposal No. 17. Revise § 1040.67 by adding a new paragraph (c) to read as follows:

§ 1040.67 Location differentials to producers and on nonpool milk.

(c) In the payment of shippers on bulk loads as described in § 1040.6(c), there shall be added or deducted from the base price and the adjusted uniform price paid to producers, the zone rate per hundredweight applicable pursuant to § 1040.54 which shall be computed on the basis of the weighted average of milk deliveries by zones by the load to pool or nonpool plants rounded to the nearest cent, provided if 65 percent or more of all of the milk on a bulk load in any accounting period is delivered to the plants in a single zone all the producers on the load shall be paid a zone price applicable to that zone.

Copies of this supplemental notice of hearing and the orders may be obtained from the Market Administrator, George Irvine, at 2899 West Grand Boulevard, Detroit, Mich., 48202 or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 2, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-11297; Filed, Nov. 4, 1964;
8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

ION-EXCHANGE RESINS

Notice of Proposal To Amend Food Additive Regulation Prescribing Safe Use

After publication of the regulation establishing the safety of the food additives ion-exchange resins for certain specific uses (21 CFR 121.1148; 29 F.R. 9708), in the *FEDERAL REGISTER* of July 18, 1964, comments were received proposing that this regulation be amended to exempt certain resins from the acetic acid-solvent extraction requirement; to expand the ion-exchange resin use; and to add new items to the list of desirable replacement ions. The Commissioner of Food and Drugs has evaluated these comments and other relevant information, and concluded that the regulation should be amended as requested. Therefore, pursuant to the

provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), and in accordance with § 121.74 *Procedure for amending and repealing tolerances or exemptions from tolerances*, it is proposed that § 121.1148 be amended by changing paragraph (b) to read as indicated below and by adding a new paragraph (d). The affected portions would read as follows:

§ 121.1148 Ion-exchange resins.

(b) Ion-exchange resins are used in the purification of foods, including potable water, to remove undesirable ions or to replace less desirable ions with one or more of the following: Bicarbonate, calcium, carbonate, chloride, hydrogen, hydroxyl, magnesium, potassium, sodium, and sulfate.

(d) The ion-exchange resins identified in paragraph (a) (1), (2), and (11) of this section are exempted from the acetic-acid extraction requirement of paragraph (c) (4) of this section.

All interested persons are invited to submit written views and comments on this proposal within 30 days of its date of publication in the *FEDERAL REGISTER*. Such comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201. Submitted views and comments may be accompanied by memorandums or briefs in support thereof.

Dated: October 29, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-11329; Filed, Nov. 4, 1964;
8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-3]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Alliance, Nebraska. There is no control zone or transition area presently designated at Alliance, Nebr.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Alliance, Nebraska, terminal area including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, proposes the following airspace actions:

1. Designate a control zone at Alliance, Nebr., to comprise that airspace within a 5-mile radius of Alliance Municipal Airport (latitude 42°03'04" N., longitude 102°48'21" W.) and within 2 miles each side of the 146° and 300° bearings from the Alliance Airport extending from the 5-mile radius zone to 12 miles SE and 8 miles NW of the Alliance Airport. The control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

2. Designate a transition area to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Alliance Municipal Airport, and within 8 miles NE and 5 miles SW of the 146° bearing from the Alliance Airport extending from the airport to 12 miles SE of the Airport, and within 8 miles SW and 5 miles NE of the 300° bearing from the Alliance Airport extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 8 miles NE and 5 miles SW of the 146° bearing from the Alliance Airport extending from 12 miles SE of the airport to 16 miles SE of the airport and within 5 miles each side of the Scottsbluff, Nebr., VORTAC 073° radial extending from the arc of a 20 mile radius circle centered on the Scottsbluff VORTAC to 33 miles E of the VORTAC.

The designated control zone would provide protection for aircraft executing prescribed arrival and departure procedures at the Alliance Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Frontier Airlines. The normal hours for the taking of these weather observations and the dissemination of this information are from 0600 hours to 1800 hours local time daily. However, in the case of airline schedule changes, these hours may be changed. Normally 30 days notice will be given in case of change. Notice of the change will be given by Notice to Airmen and published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. Communications within the control zone will be provided by the Scottsbluff Flight Service Station through remote radio transmitting and receiving facilities located at the Alliance Municipal Airport.

The 700-foot floor portion of the proposed Alliance transition area would provide protection for aircraft executing those portions of the arrival, departure and holding pattern procedures conducted below the proposed 1200-foot floor area beyond the limits of the proposed control zone and during the hours that the control zone would not be effective. The proposed 1200-foot floor transition area would provide protection for aircraft executing the ADF instrument approach procedure and for aircraft operating from over Scottsbluff, Nebraska VORTAC to the Alliance VOR.

Certain minor revisions to prescribe instrument procedures would be affected in conjunction with the actions proposed herein but operational complexity would not increase nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 27, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-11282; Filed, Nov. 4, 1964;
8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-69]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate controlled airspace in the Norfolk, Nebr., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Norfolk terminal area, including studies attendant to the implementation of the provisions of Civil Air Regulations Amendments 60-21 and 60-29, proposes to take the following airspace actions:

1. Designate a control zone at Norfolk, Nebr., to comprise that airspace within a 5-mile radius of the Karl Stefan Air-

port (latitude 41°59'10" N., longitude 97°26'00" W.), within 2-miles each side of the Norfolk VOR 147°, 195°, 318°, and 025° radials, extending from the 5-mile radius zone to 8 miles SE, S, NW, and NE of the VOR, from 0730 to 2000 hours local time daily.

2. Designate a transition area in the Norfolk, Nebr., terminal area to comprise that airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

The Karl Stefan Airport at Norfolk, Nebr., meets the communications, navigation aid, and instrument approach criteria for the establishment of a control zone. The floors of the airways which traverse the proposed transition area herein would automatically coincide with the floor of the transition area. The control zone is required to contain aircraft executing departures and missed approach procedures until reaching an altitude of 700 feet above the ground. The extensions are required to protect the final approach course of aircraft executing VOR approaches to Runways 31, 19, 1, and 13. The approach procedures to Runways 19, 1, and 13 are presently restricted for airline use only; however, if the proposal is made effective, this Agency intends to convert these procedures to public use. The proposed 700-foot transition area is necessary to contain all holding, departure, and missed approach procedures.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in

the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 28, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-11283; Filed, Nov. 4, 1964;
8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-68]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Beatrice, Nebraska.

Having completed a comprehensive review of airspace requirements at Beatrice, Nebraska, including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Beatrice, Nebraska.

The proposed Beatrice transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Beatrice Municipal Airport (latitude 40°18'00" N., longitude 96°45'15" W.), and within 8 miles SW and 5 miles

NE of the Beatrice VOR 319° radial extending from the VOR to a point 12 miles NW of the VOR.

The configuration of the transition area is based on the VOR approach procedures, holding patterns, and random departures at Beatrice Municipal Airport. The proposed transition area would provide protection for aircraft 1,000 feet and above the surface while holding or executing the VOR approach procedures and departure procedures at the airport.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-11284; Filed, Nov. 4, 1964;
8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 067795]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 28, 1964.

The Bureau of Sport Fisheries and Wildlife has filed the above application for the withdrawal of the lands described below, from all forms of appropriation except the mineral leasing laws.

The applicant desires the land for the management of migratory birds in conjunction with the Lake Mason National Wildlife Refuge.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Mont.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 9 N., R. 24 E.,
Sec. 22, Lot 5.

The area described aggregates 17.59 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64-11294; Filed, Nov. 4, 1964;
8:46 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 28, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number New Mexico 0555214, for the withdrawal of lands described below from all forms of entry, including the general mining but not the mineral leasing laws. The applicant desires the lands for the operation and maintenance of the Alamogordo Reservoir in DeBaca County, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Land Office, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 5 N., R. 24 E.,
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described aggregates 160 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 64-11295; Filed, Nov. 4, 1964;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Antelope.
Burt.
Colfax.

Dodge.
Stanton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of November 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-11332; Filed, Nov. 4, 1964;
8:49 a.m.]

NORTH CAROLINA AND UTAH

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Carolina and Utah natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

NORTH CAROLINA

Tyrrell.

Washington.

UTAH

Millard.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Utah county after December 31, 1965, or in the above-named North Carolina counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of November 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-11333; Filed, Nov. 4, 1964;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15640]

JAPAN AIR LINES CO., LTD.

Notice of Prehearing Conference

An application by Japan Air Lines Co., Ltd., for an amendment to its foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, as amended, to include the addition of Taipei, Formosa as an intermediate point beyond Okinawa to the terminal point Hong Kong.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 10, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 2, 1964.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-11317; Filed, Nov. 4, 1964;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15641; FCC 64M-1081]

INTERNATIONAL PANORAMA TV, INC.

Order Changing Date and Place of Hearing

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station (Channel 40).

It is ordered, This 30th day of October 1964, upon consideration of requests by the Commission's Broadcast Bureau made and discussed with all counsel on the record of hearing conference held this date in the above-entitled proceeding, the said requests being supported by a showing of good and sufficient cause, that the formal hearing herein which heretofore was scheduled to be held in Washington, D.C., commencing November 16, 1964, is hereby continued to December 2, 1964, and will be held in Los Angeles, Calif.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 64-11311; Filed, Nov. 4, 1964;
8:47 a.m.]

[Docket Nos. 15535, 15536; FCC 64R-505]

NELSON BROADCASTING CO., AND UBIQUITOUS FREQUENCY MODULATION, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Donald P. Nelson & Wilbur E. Nelson, d/b as Nelson Broadcasting Company, Kingston, New York, Docket No. 15535, File No. BPH-4211; Ubiquitous Frequency Modulation, Incorporated, Hyde Park, New York, Docket No. 15536, File No. BPH-4312; for construction permits.

1. The Review Board has before it for consideration petitions filed by Ubiquitous Frequency Modulation, Incorporated (Ubiquitous) and Nelson Broadcasting Company (Nelson), requesting that the issues in the above-captioned proceeding be enlarged in order to determine whether Nelson and Ubiquitous, respectively, are financially qualified to construct and operate their proposed FM stations at Kingston, N.Y., and Hyde Park, N.Y., respectively.¹

2. In its application as amended, Nelson estimates that its construction costs for its Kingston proposal will amount to \$20,847.20. Its operating expenses for the first three months are estimated at \$7,941.00. The total construction and initial operating costs therefore amount to \$28,788.20. To finance this proposal, Nelson relies in part upon a deferred payment agreement with its supplier, Gates Radio Equipment, in the amount of \$12,560.00. Hence, a total of \$16,228.20 must be raised from other sources to finance the Kingston proposal.

3. Nelson in its application form claims that it has assets of \$48,971.00 to finance its proposal. It concedes, however, that not all of these assets are available to finance its Kingston proposal. Thus, in its application as amended, Nelson also makes reference to its application for a construction permit for a new frequency modulation station in Newburgh, New York (File No. BPH-4212, Docket No. 15591). In its amended application for the Newburgh proposal, Nelson estimates that its construction and initial operating costs for its Newburgh proposal will amount to \$20,404.00, and that its operating expenses for the first three months will amount to \$7,935.00. The total construction costs and operating expenses for the Newburgh proposal will therefore amount to \$28,339.00. To finance this

¹ The Review Board has before it for consideration the following pleadings: (1) petition to enlarge issues, filed July 29, 1964, by Ubiquitous Frequency Modulation, Incorporated; (2) opposition to (1), filed August 11, 1964, by Nelson Broadcasting Company; (3) opposition to (1), filed August 11, 1964, by the Broadcast Bureau; (4) reply to (2), filed August 21, 1964, by Ubiquitous; (5) petition to enlarge issues, filed July 29, 1964, by Nelson Broadcasting Company; (6) comments on (5), filed August 11, 1964, by the Broadcast Bureau; (7) opposition to (5), filed August 17, 1964, by Ubiquitous; (8) answer (Reply) to (7), filed August 7, 1964, by Nelson; (9) motion to strike (5), filed August 17, 1964, by Ubiquitous; and (10) motion to accept late filing, filed August 17, 1964, by Big River Broadcasting Corp.

proposal, Nelson relies in part upon a deferred payment agreement with its supplier, Gates Radio Equipment, in the amount of \$12,000.00. Hence, a total of \$16,339.00 must be raised from other sources to finance the Newburgh proposal.

4. Neither in its amended application for Kingston, nor in its amended application for Newburgh, does Nelson earmark certain of its assets for one of the proposals and other assets for the other proposal. Instead, in both of the amended applications it lists the same \$48,971.00 in assets as available for the two proposals. Under these circumstances, a determination of whether Nelson is financially qualified with respect to its Kingston proposal cannot be made without regard to the fact that, in connection with its Newburgh proposal, it has committed itself to raise \$16,339.00. See James V. Perry, FCC 61-1130, 22 R.R. 81. A determination that Nelson is financially qualified with respect to its Kingston proposal can be made only if, after meeting its \$16,339.00 commitment in connection with the Newburgh proposal, it has available assets of at least \$16,228.20 to meet the costs of its Kingston proposal. If Nelson has sufficient assets available to meet the costs of both proposals, a total of \$32,567.20, there is no need for a financial qualifications issue as to the Kingston proposal. If, however, the available assets are insufficient to meet the costs of both proposals, the addition of a financial qualifications issue is required.²

5. It is recognized that the analysis in paragraph 4 hereof could result in the addition of a financial qualification issue as to both the Kingston and Newburgh proposals, even though there may be sufficient available assets to meet the costs of one, but not both, of the proposals. This, however, is a problem of Nelson's own making, resulting from the fact that it neither (a) earmarked certain assets for one proposal and the remaining assets for the other proposal, nor (b) indicated which of the two proposals will have first call upon its available assets. If the seemingly anomalous result of a financial qualification issue with respect to both of Nelson's proposals is to be avoided notwithstanding the availability of sufficient assets to meet the costs of one of the two proposals, Nelson should seek to amend its applications by identifying which of its assets are to be used for which proposal, or by indicating which of the two proposals is to have first call upon its available assets. It is for Nelson, and not the Board or an Examiner, to make this choice. Unless such amendment is sought and granted, an assessment of Nelson's financial qualifications with respect to its Kingston proposal must be based upon the assumption that its

² If the available assets are insufficient to meet the costs of both proposals, the addition of a financial qualification issue with respect to the Newburgh proposal would, of course, likewise be required. In a separate Memorandum Opinion and Order, in Nelson Broadcasting Company, FCC 64R-506, the Review Board added a financial qualifications issue as to Nelson's Newburgh proposal.

available assets are reduced by the amount of its commitment with respect to its Newburgh proposal, and vice versa. Should one of the two applications be dismissed, or should there be a final denial of one of the applications while the other remains pending, the financial commitment which had been made with respect to the dismissed or denied application may, of course, be ignored in determining Nelson's financial qualifications with respect to the remaining application.

6. As has been indicated, Nelson claims available assets in the amount of \$48,971.00, and the financial requirements of its two proposals, over and above the credit extended by the equipment supplier, amounts to \$32,567.20. Included in its assets are commitments from each of two relatives of the principals of Nelson to lend \$5,000, or a total of \$10,000, to finance the two proposals. While each of the two relatives in an affidavit submitted with Nelson's application claimed "quick liquid assets in excess of \$15,000 over and above all liabilities," this is insufficient to establish their financial ability to meet their commitment to Nelson. The information which a lender must supply must be "sufficiently detailed to permit a determination of current position and should be more than a mere statement of total assets and total liabilities or a statement of net worth." See *Publix Television Corp.*, FCC 59-643, 18 R.R. 762; *Continental Broadcasting Corp.*, FCC 59-676, 18 R.R. 826. Because of the insufficiency of the showing as to the financial status of the two relatives who would, under Nelson's proposal, lend a total of \$10,000, the latter sum cannot be included among Nelson's available assets for the purpose of determining whether Nelson is financially qualified.

7. Nelson's available assets are thus reduced from \$48,971.00 to \$38,971.00. Included in the remaining assets which are listed by Nelson as having a total value of \$38,971.00, are the homes owned by each of the principals. According to an appraiser's affidavits which Nelson submitted with its amended application, one of the homes has a market value of \$24,500 and the other has a market value of \$33,000. The \$24,500 home is subject to a mortgage of \$13,325.00, and the \$33,000 home is subject to a mortgage of \$15,270. After payment of the real estate commissions and retirement of the mortgages, Nelson claims that these two homes represent available assets of \$25,455. This claim presupposes that the homes can be sold at their appraised prices. For purposes of determining Nelson's financial qualifications, this claim cannot be accepted at face value. While applicants have, under certain circumstances, been permitted to rely upon non-liquid assets as a source of funds for financing their proposals, in each instance the stated worth of the non-liquid asset was far in excess of the sum which the applicant needed to realize from the non-liquid asset. See *Massillon Broadcasting Co., Inc.*, FCC 61-1164, 22 R.R. 218; *Integrated Communication Systems, Inc.*, of Massachusetts, FCC 64R-364, 3 R.R. 2d 557 *Gar-*

W. Ray, FCC 63R-103; *Springfield Television Broadcasting Corporation*, FCC 64R-243, 2 R.R. 2d 843; *Martin Karig*, 30 FCC 557, 21 R.R. 439. But where it has not been demonstrated by an applicant that the non-liquid assets will yield funds in the amount needed to finance the proposal, a financial qualification issue has been added. See *Kent-Ravenna Broadcasting Co.*, FCC 61-1219, 22 R.R. 230.

8. Only if the sales of the homes yield at least \$19,051.20 (which is \$6,403.81 less than the \$25,455 which Nelson, in its financial showing, assumes they will yield) after payment of commissions and retirement of mortgages, would Nelson, on the basis of its own showing, have sufficient funds to meet the financial requirements of the two stations. It is the Board's view that the showing made by Nelson is insufficient to establish that the two homes will yield as much as \$19,051.20. While the appraiser has appraised the two homes as having a total value of \$57,500, a 11.2 percent margin of error in the appraisal value could reduce the yield from the sale of the homes (after payment of commissions and retirement of mortgages) to less than \$19,051.20, which would leave Nelson with insufficient funds to finance its two proposals. While an appraisal by a qualified appraiser is some evidence of value, it cannot be assumed that the homes will sell at the appraised prices. Appraisals are to some extent subjective, and will vary depending upon the appraiser. Moreover, the appraised value cannot be equated with cash; only if there is some concrete assurance that the house can be sold at the appraised price can full credit be given to the appraised value in determining the applicant's financial qualifications.

9. In this connection, it is noted that in Nelson's original application, filed November 5, 1963, it was stated that the home appraised at \$33,000 is "on the market and an advertisement from an agent shows the selling price to be \$32,900." It was further stated that whether the Kingston application is granted or not, the home will be sold. As of the time Nelson filed its opposition, on August 11, 1964, to the petition to enlarge issues, Nelson did not, either in its opposition or in an amendment to its application, indicate whether the home has been sold. Under the circumstances, the Board can only assume that the home has not been sold at the price at which it was offered. This bears out the views expressed herein that the appraised price cannot necessarily be equated with cash. Similarly, in the original application it was stated that arrangements were being made to sell the \$24,500 home. No information has been supplied to indicate that the home has been sold, and, if so, at what price. If, after having been on the market for nine months, the homes have not been sold, it cannot be assumed, for purposes of determining Nelson's financial qualifications, that they will sell for their appraised prices. A reduction of 11.2 percent in the asking prices of the homes after this period of time might well be necessary in order to assure their sale. As indicated above,

such a reduction would leave Nelson with insufficient funds to finance its proposals.

10. Some of the other items relied upon by Nelson to finance its proposals are deserving of comment. Thus, in its application, as amended on February 10, 1964, by the submission of a new Exhibit 3, Nelson relies upon "securities" valued at \$5,939.00, and "security" valued at \$1,620.00. These items are not otherwise identified, and hence it cannot be determined whether they may reasonably be regarded as a source of funds in the amounts claimed. Accordingly, in the absence of further information concerning these securities, they must be disregarded in assessing Nelson's financial qualifications. It may be that the securities in question are those listed in Exhibit 3 of its original application—securities listed on the New York Stock Exchange. However, in its February 10, 1964, amendment, Nelson stated that it was supplying a new Exhibit 3, and hence the information supplied in the original Exhibit 3 has been superseded by that set forth in the new Exhibit 3. Under the circumstances, the Board cannot assume that Nelson, in its new Exhibit 3, had reference to the same securities listed in the original Exhibit 3. As was stated by the Board in *Paul Dean Ford*, FCC 64R-420, —, an applicant must present all relevant facts with its financial showing, and the Board will not speculate as to the showing that the applicant intended to make.

11. For the foregoing reasons, a financial qualification issue will be added. In addition to requesting a financial qualifications issue, the petitioner maintains that the community of Kingston cannot, in view of the other stations presently assigned to it, support a frequency modulation station such as that proposed by Nelson. The petitioner does not, however, propose an issue which would require a determination as to whether Nelson's proposed station could survive. Nor does the petitioner allege any specific facts which would warrant the addition of an issue requiring such determination. Instead, petitioner merely expresses its own conclusionary view that Kingston cannot support the proposed Nelson station. The showing made by the petitioner is not comparable with the showing made in *William R. Ross*, FCC 62-791, 23 R.R. 992, in which the Commission designated an issue to determine whether the principal community could support the proposed station. The allegations—based upon the small profit shown by the existing standard broadcast stations in Kingston—made by the petitioner are insufficient to warrant an inquiry as to whether the Nelson proposal can survive.

12. A financial qualifications issue as to Ubiquitous will likewise be added, as requested by Nelson in its petition to enlarge issues. According to Ubiquitous' application, \$7,200.00 will be required to finance its proposal. To secure this sum, Ubiquitous relies upon stock subscription agreements whereby three persons will purchase shares of stock worth \$5,100.00, \$1,900.00, and \$900.00, respectively, or a total of \$7,900.00. The only showing made by these three persons as to their ability to fulfill their stock sub-

scription commitments are statements that their individual net worth exceeds \$5,100.00, \$3,000.00, and \$2,000.00, respectively. In addition, they state that their individual annual net income after tax exceeds \$6,000.00, \$7,000.00, and \$5,000.00, respectively. This showing is insufficient to establish the financial ability of the three stock subscribers to fulfill their commitments. See Publix Television Corp., FCC 59-645, 18 R.R. 769.

13. The motion to strike Nelson's petition will be denied. While, as stated by Ubiquitous in its motion to strike, Nelson did not submit with its petition any affidavits in support of its allegations, the merits of Nelson's petition turn upon matters of record, e.g., the stock subscription agreements and the financial showing made by Ubiquitous' stock subscribers. Under the circumstances, no affidavit was required.

14. Nelson also requested, in its petition to enlarge issues, that a financial qualifications issue be added as to Big River Broadcasting Corporation. The latter's application for Kingston, New York, had been consolidated for hearing in this proceeding, but subsequent to the filing of Nelson's petition the Big River application was dismissed by Order released September 22, 1964 (FCC 64M-925). Accordingly, Nelson's petition will be dismissed as moot to the extent that it seeks enlargement of the issues as to Big River Broadcasting Corporation. Similarly, the latter's motion for an extension of time to file an opposition will likewise be dismissed as moot.

Accordingly, it is ordered, This 30th day of October 1964, That the petition to enlarge issues, filed July 29, 1964, by Donald P. Nelson and Wilbur E. Nelson, d/b as Nelson Broadcasting Company, is granted insofar as it concerns the addition of an issue relating to the financial qualifications of Ubiquitous Frequency Modulation, Incorporated, and is dismissed as moot insofar as it requests enlargement of the issues against Big River Broadcasting Corporation; that the motion of Big River Broadcasting Corporation to accept late filing of an opposition, filed August 17, 1964, is dismissed as moot; that the petition to enlarge issues, filed July 29, 1964, by Ubiquitous Frequency Modulation, Incorporated is granted; that the motion to strike, filed August 17, 1964, by Ubiquitous Frequency Modulation, Incorporated is denied; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Ubiquitous Frequency Modulation, Incorporated, is financially qualified to construct, own, and operate the proposed FM station at Hyde Park, New York.

To determine whether Nelson Broadcasting Company is financially qualified to construct, own, and operate the proposed FM station at Kingston, New York.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11312; Filed, Nov. 4, 1964;
8:47 a.m.]

[Docket Nos. 15460, 15461; FCC 64M-1084]

SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

Order Scheduling Hearing Conference

In re applications of Symphony Network Association, Inc., Fairfield, Alabama, Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Company, Homewood, Alabama, Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

The Hearing Examiner having for consideration (1) a letter of October 12, 1964, from counsel for Symphony Network Association, Inc., requesting reopening of the record for the purpose of receiving certain enclosed material as a supplement to its Exhibit 1; and (2) a Memorandum Opinion and Order of the Review Board released herein on October 29, 1964, wherein the issues in this proceeding have been enlarged;

It appearing, that Symphony's supplemental material has been submitted at the request of the Broadcast Bureau, and in the manner directed by the Hearing Examiner;

It further appearing, that a hearing conference for the purpose of determining the method and timing of the adduction of evidence on the enlarged issue is appropriate;

It is ordered, This 30th day of October 1964, that the record in this proceeding is reopened; and the above-referenced supplemental material is received into evidence as a supplement to Symphony Exhibit 1;

It is further ordered, That a hearing conference herein shall be convened on November 13, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11313; Filed, Nov. 4, 1964;
8:47 a.m.]

[Docket Nos. 15677, 15678; FCC 64M-1079]

WESTERN CALIFORNIA TELEPHONE CO., AND PACIFIC TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In re applications of Western California Telephone Company, Docket No. 15677, File No. 4411-C2-P-64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, California; The Pacific Telephone and Telegraph Company, Docket No. 15678, File No. 5775-C2-P-64; for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, California.

It is ordered, This 30th day of October 1964, that Walther W. Guenther shall

serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 22, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 27, 1964: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11314; Filed, Nov. 4, 1964;
8:47 a.m.]

[Docket Nos. 15675, 15676; FCC 64M-1080]

WESTERN CALIFORNIA TELEPHONE CO., AND PACIFIC TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In re applications of Western California Telephone Company, Docket No. 15675, File No. 4409-C2-P-64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, California; The Pacific Telephone and Telegraph Company, Docket No. 15676, File No. 5774-C2-P-64; for a construction permit to modify the facilities of station KMA612 in the Domestic Public Land Mobile Radio Service at San Jose, California.

It is ordered, This 30th day of October 1964, that H. Gifford Irion shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 22, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 24, 1964: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11315; Filed, Nov. 4, 1964;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Fact Finding Investigation No. 6]

STEAMSHIP CONFERENCE

Notice of Hearing Regarding Effects on Foreign Commerce of United States

NOVEMBER 2, 1964.

A further hearing in this proceeding will commence at 10:00 a.m., on December 8, 1964, in Room 404, U.S. Customs House, 610 Canal Street, Chicago, Ill. The hearing will be open to the public.

RALPH P. DICKSON,
Investigative Officer.

[F.R. Doc. 64-11307; Filed, Nov. 4, 1964;
8:47 a.m.]

NATIONAL AERONAUTICS AND SPACE COUNCIL

AEROSPACE ASSISTANT

Notice of Basic Compensation

Appointment. Name and title, salary rate, and position number:

Eugene B. Konecni, Aerospace Assistant, \$24,500 p.a., SCS No. 3.

Authority for this appointment. Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f), fixing a limit of \$19,000 on the compensation of seven persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than \$19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,'"

Effective date: October 26, 1964.

E. L. LACEY,
Administrative Officer.

[F.R. Doc. 64-11376; Filed, Nov. 4, 1964;
10:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2810 etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Findings and Order

OCTOBER 27, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, cancelling docket numbers, substituting respondents, redesignating proceedings, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Socony Mobil Oil Company, Inc., Applicant in Docket Nos. G-17174 and CI61-137, proposes to continue the sale of natural gas as successor in interest to Bayview Oil Corporation pursuant to contracts heretofore designated as Bayview's FPC Gas Rate Schedule Nos. 8 and 9, respectively. The presently effective rates under Bayview's FPC Gas Rate Schedule Nos. 8 and 9 are in effect subject to refund in Docket Nos. RI64-642 and RI64-354, respectively. An increased rate has also been collected under Bayview's FPC Gas Rate Schedule No. 8 subject to refund in Docket No. RI64-1. Socony Mobil has submitted agreements and undertakings in Docket Nos. RI64-1, RI64-354, and RI64-642 to assure refunds of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Accordingly, Socony Mobil will be substituted in lieu of Bayview as respondent in said proceedings, the proceedings will be redesignated, and the agreements and undertakings will be accepted for filing.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on October 23, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to

conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered: G-2810, G-6296, G-9928, G-10644, G-12517, G-12526, G-13885, G-14164, G-14198, G-16218, G-17174, G-18683, CI61-137, CI61-524, CI61-737, CI61-919, C162-305, C162-322, C162-1019, C162-1437, C162-1449, CI63-20, CI-63-1165, CI64-82, CI64-805, CI64-806, CI64-807, C164-808, C164-1239, C164-1250.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Socony Mobil Oil Company, Inc., should be substituted in lieu of Bayview Oil Corporation as respondent in the proceedings pending in Docket Nos. RI64-1, RI64-354, and RI64-642, that said proceedings should be redesignated accordingly, and the agreements and undertakings submitted by Socony Mobil should be accepted for filing.

(9) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act

or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-6296, G-9928, G-14164, G-16218, CI61-737, CI62-322, CI62-1437, CI62-1449, CI63-20, CI64-82, CI64-1239, and CI64-1250 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. CI61-919 and CI63-1165 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI65-212 and CI64-1487.

(F) The certificate heretofore issued to Penrose Production Company (Operator), et al., in Docket No. G-10644 is hereby amended to continue the sales authorized to be rendered by Makin Drilling Company (Operator), et al. Docket No. G-10491 which covered an add acreage supplement under the rate schedule is hereby cancelled and the subject sale thereunder is deemed to be covered under the authorization granted in Docket No. G-10644.

(G) The certificate heretofore issued in Docket No. CI61-524 is hereby amended to include the additional dedication and such authorization is conditioned as provided in the Commission's Opinion No. 353, issued March 7, 1962, in Docket Nos. CP61-102, et al.

(H) The certificate heretofore issued in Docket No. CI62-305 is hereby amended to change the name of the certificate holder from Texas Liberty Gas Corporation to Texas Gas Producing Company as indicated in the tabulation herein.

(I) The certificate heretofore issued in Docket No. CI62-1019 is hereby amended to reflect Circle Drilling Company, Inc., as the Operator of the subject properties in lieu of Gene M. Woodfin, et al., as indicated in the tabulation herein.

(J) The orders issuing certificates in Docket Nos. G-2810, G-12517, G-12526, G-13885, G-14198, G-17174, G-18683, and CI61-137 be and the same are hereby amended by changing the certificate holders to the successors in interest as indicated in the tabulation herein.

(K) A certificate is herein issued to William B. Osborn, III in Docket No. CI65-12 to continue partially the service initiated by E. W. Campbell and covered by W. B. Osborn, Jr. (Operator), et al., FPC Gas Rate Schedule No. 16, authorized by a certificate issued in Docket No. CI64-808. The certificate issued in Docket No. CI65-12 also covers interest acquired by William B. Osborn, III from E. W. Campbell which was heretofore covered by Campbell's FPC Gas Rate Schedule No. 4 which is superseded in its entirety by W. B. Osborn, III's filings. The certificates heretofore issued in Docket Nos. CI64-805, CI64-806, CI64-807 and CI64-808 are hereby amended to authorize the sale of natural gas from additional acreage, and the certificate heretofore issued in Docket No. CI64-808 is hereby amended to delete therefrom authorization for the sale of natural gas from the interest of E. W. Campbell which interest has been assigned to partial successors and hereafter will be covered by Jewel Osborn FPC Gas Rate Schedule No. 17, Betty Osborn Biedenhorn FPC Gas Rate Schedule No. 15, Osborn-Barrett Petroleum, Inc., FPC Gas Rate Schedule No. 6, and William B. Osborn, III FPC Gas Rate Schedule No. 1. The certificate heretofore issued in Docket No. G-2854 to E. W. Campbell, et al., is hereby terminated.

(L) In view of the supplements filed by the successors in paragraph (K) above, whereby they waive filing of the predecessor's contract amendment and thereby eliminated the downward Btu adjustment the rate suspension proceeding in Docket No. RI64-688 is hereby terminated.

(M) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(N) In view of the abandonment authorization granted herein, in Docket No. CI65-173 the certificate heretofore issued in Docket No. G-3270 is hereby terminated in part, only insofar as it pertains to sales of gas covered by Supplement No. 5 to FPC Gas Rate Schedule No. 2.

(O) The certificates heretofore issued in Docket Nos. G-11757, CI62-767 and CI64-490 are hereby terminated.

(P) Docket No. G-17448 is hereby cancelled.

(Q) The certificates issued herein to Pan American Petroleum Corporation in Docket Nos. CI64-1487 and CI65-122 respectively, are hereby conditioned as follows:

(1) The initial price therefor shall not exceed 15.0 cents per Mcf at 14.65 psia, plus Btu adjustment in Docket No. CI64-

1487 (Opinion No. 350), and shall not exceed 17.0 cents per Mcf at 14.65 psia, plus Btu adjustment in Docket No. CI65-122 (Opinion No. 353).

(2) In the event the Commission amends its Policy Statement No. 61-1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sales involved herein, Applicant may thereupon substitute new rates reflecting the amount of such increase, and thereafter collect such new rates prospectively in lieu of the initial rates herein required.

(3) The allowances for the take-or-pay provisions and the upward Btu adjustment provisions in the related rate schedules are subject to the ultimate disposition with respect to such provisions in the rule-making proceedings in Docket Nos. R-199 and R-200; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantity.

(R) The certificate issued herein, in Docket No. CI65-204 with respect to Coastal States Gas Producing Company's share of the gas proposed to be sold, determines only the payments which may legally be made by South Texas Natural Gas Gathering Company to Coastal States and does not and cannot estop the Commission from considering the appropriate costs to be attributed to the sales should South Texas' purchased gas costs be in issue in a future rate proceeding under section 4(e) or 5(a) of the Natural Gas Act.

(S) Socony Mobil Oil Company, Inc., be and it is hereby substituted in lieu of Bayview Oil Corporation as respondent in the proceedings pending in Docket Nos. RI64-1, RI64-354, and RI64-642; said proceedings are redesignated accordingly;¹ and the agreements and undertakings submitted by Socony Mobil in said proceedings are hereby accepted for filing.

(T) Socony Mobil Oil Company, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by Socony Mobil in Docket Nos. RI64-1, RI64-354, and RI64-642 shall remain in full force and effect until discharged by the Commission.

(U) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

¹ Docket Nos. RI64-1 and RI64-642, Socony Mobil Oil Company, Inc.; Docket No. RI64-354, Socony Mobil Oil Company, Inc., et al.

Docket No. and date filed	FPO rate schedule to be accepted			Applicant	Purchaser, field, and location	FPO rate schedule to be accepted			Description and date of document	No.	supp.
	Docket No. and date filed	No.	Supp.			Docket No. and date filed	No.	Supp.			
G-2810 E 9-2-64	Socony Mobil Oil Co., Inc. (successor to Bayview Oil Corp.).	359	1-13	International Helium, Inc. (Operator), et al. (successor to Fred Whitaker (Operator), et al.). ¹⁰	Texas Gas Transmission Corp., Bethany and Carthage Fields, Panola County, Tex.	G-18083 E 8-26-64	7	---	Fred Whitaker (Operator), et al., FPC GRS No. 10, Supplements Nos. 1-2-- Notice of Succession 8-24-64. Assignment 7-31-64. Effective date: 6-1-64.	7	---
G-2810 E 9-2-64	do	359	14	Oil Participations Inc.	Transcontinental Gas Pipe Line Corp., Lake Arthur Field, Jefferson Davis Parish, La.	G-17448 ¹¹ (G-14164) A 1-2-59	7	---	Assignment 7-31-64. Effective date: 6-1-64.	7	1-2
G-2810 E 9-2-64	El Paso Natural Gas Co., Angel Peak and Huertano Ares, San Juan County, N. Mex.	360	1-8	Socony Mobil Oil Co., Inc., et al. (successor to Bayview Oil Corp., et al.).	Brooks Gas Corp., Brooks Field, Irion County, Tex.	G-161-137 E 9-2-64	7	---	FPC GRS No. 10, Supplements Nos. 1-8-- Notice of Succession 9-1-64. Letter agreement 10-18-55.	7	3
G-4296 C 9-1-64	Leonard Oil Co.	360	9	Shell Oil Co. (Operator), et al. ¹⁵	Michigan Wisconsin Pipe Line Co., Woodward Ward Counties, Okla.	G-161-524 C 9-1-64	10	---	Assignment 9-1-64. Supplemental agreement 6-25-64. ³	10	2
G-4928 C 9-2-64 D 9-2-64	Gulf Oil Corp.	43	6	Shell Oil Co.	Transwestern Pipeline Co., Roberts County, Tex.	G-161-737 D 9-1-64	362	---	Letter agreement 7-15-64. ¹³	362	1-3
G-10644 (G-10491) E 8-18-64 9-10-64 ³	Pentrose Production Co., et al. (successor to Makin Drilling Co. (Operator), et al.).	43	7	Texas Gas Producing Co. (formerly Texas Liberty Gas Corp.).	Tennessee Gas Transmission Co., DeLarge Field, Terrebonne Parish, La.	G-162-305 3-19-64 ¹³	362	---	Supplements Nos. 1-3-- Notice of Succession 9-1-64. Supplemental agreement 6-25-64. ³	362	4
G-12517 E 8-27-64	International Helium, Inc. (Operator), et al. (successor to Fred Whitaker (Operator), et al.). ¹⁰	4	1	Gulf Oil Corp.	Cities Service Gas Co., Northeast Pool, Woods County, Okla.	G-162-322 C 9-2-64	242	---	Letter agreement 7-15-64. ¹³	242	4
G-12628 E 9-2-64	do	4	2	Circle Drilling Co., Inc. (Operator), et al. (formerly, Galt M. Woodin, et al.).	Texas Gas Transmission Corp., North Welsh Field, Jefferson Davis Parish, La.	G-162-1019 2-13-64 ¹⁵	8	---	Texas Liberty Gas Corp., FPC GRS No. 1, Supplements Nos. 1-2-- Notice of name change 8-10-64. Effective date: 9-24-62.	8	1-2
G-13885 E 8-31-64	do	5	1	Pan American Petroleum Corp.	Andarko Production Co., Interstate Field, Morton County, Kans.	G-162-1437 C 9-8-64	4	---	Supplemental Agreement 8-6-64. ¹⁷	4	4
G-13885 E 8-31-64	do	6	2	Big Chief Drilling Co.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	G-162-1449 C 9-4-64	12	---	(¹⁹) Amendment 7-6-64.	12	2
G-14198 E 7-27-64	Texas Gas Producing Co., et al. (successor to Roy A. Lamb and A. G. Galt d.b.a. Pan American Engineering Co.).	6	1	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Arkoma Area, LeFlore County, Okla.	G-163-20 C 9-8-64	337	---	Amendment 7-20-64. ³	337	6
G-14198 E 7-27-64	do	6	2	Robert W. Adams & Associates.	Hope Natural Gas Co., Stafford District, Mingo County, W. Va.	G-164-82 C 9-8-64	1	---	Letter Agreement 8-3-64. ³	1	4
G-14198 E 7-27-64	do	9	---	Jewel Osborn	Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	G-164-805 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	14	---	Assignment 4-30-64. ²⁰ Assignment 4-30-64. ²¹ Supplemental Agreement 8-12-64. ²²	14	2
G-14198 E 7-27-64	do	9	1-2	Betty Osborn Bledenhart, Inc.	do	G-164-806 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	15	---	Effective date: 5-1-64. Assignment 4-30-64. ²⁰ Assignment 4-30-64. ²¹ Supplemental Agreement 8-12-64. ²²	15	2
G-14198 E 7-27-64	do	9	3	Osborn-Barrett Petroleum, Inc.	do	G-164-807 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	12	---	Effective date: 5-1-64. Assignment 4-30-64. ²⁰ Assignment 4-30-64. ²¹ Supplemental Agreement 8-12-64. ²²	12	3
G-14198 E 7-27-64	do	196	30	W. B. Osborn, Jr. (Operator), et al.	do	G-164-808 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	3	---	Assignment 4-30-64. ²⁰ Assignment 4-30-64. ²¹ Supplemental Agreement 8-12-64. ²²	3	2
G-14198 E 7-27-64	do	196	31	Willard E. Farrell	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	G-164-808 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	6	---	Effective date: 5-1-64. Letter agreement 3-11-64. Letter agreement 7-14-64. ³	6	3
G-14198 E 7-27-64	do	361	1-5	do	do	G-164-808 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	13	---	Assignment 4-30-64. ²⁰ Assignment 4-30-64. ²¹ Supplemental Agreement 8-12-64. ²²	13	3
G-14198 E 7-27-64	do	361	6	do	do	G-164-808 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	16	---	Assignment 4-30-64. ²⁰ Assignment 4-30-64. ²¹ Supplemental Agreement 8-12-64. ²²	16	4
G-14198 E 7-27-64	do	361	6	do	do	G-164-808 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	11	---	Effective date: 5-1-64. Letter agreement 3-11-64. Letter agreement 7-14-64. ³	11	1
G-14198 E 7-27-64	do	361	6	do	do	G-164-808 (G-2854) ²⁰ (C164-808) ²¹ F 7-6-64	11	---	Letter agreement 7-14-64. ³	11	2

Filing code:

A—Initial service.

B—Abandonment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

Footnotes at end of table.

NOTICES

FPC rate schedule to be accepted			FPC rate schedule to be accepted								
Docket No. and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.	Docket No. and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.
CI64-1280 C 9-3-64	Paul F. Starr, agent for L & N Oil Co.	Hope Natural Gas Co., Washington District, Calhoun County, W. Va.	Letter agreement 6-30-64. ¹	13	1	CI65-204 A 9-3-64	Moken Oil Co. ²⁴ (Operator) Agent, et al.	South Texas Natural Gas Gathering Co., Atwood Area, Hidalgo County, Tex.	Contract 8-7-64. ¹	3	
CI64-1487 (CI63-1165) F 6-1-64 C 7-9-64	Pan American Petroleum Corp. ²⁴	Arkansas Louisiana Gas Co., North Cooper, Star and Lacey Areas, Kingfisher and Blaine Counties, Okla.	Contract 10-15-62. ²⁴ Supplemental agreement 10-16-62. ²⁴	395		CI65-206 A 9-3-64	R. W. Rine Drilling Co.	Northern Natural Gas Co., acreage in Clark County, Kans.	Contract 9-24-63 Contract 7-15-63 Supplemental agreement 5-11-64. ²⁴	5	
			Assignment 8-20-63.	395	2	CI65-208 A 9-4-64	Quaker State Oil Refining Corp. ²⁴	United Fuel Gas Co., Four Mile-Branchland Gas Field, Stonewall District, Wayne County, W. Va.	Contract 4-3-44. ²⁴ Assignment 10-12-50. ²⁴ Letter 11-15-60. ²⁴ Letter agreement 1-17-61. Assignment 12-27-63. ²⁴ Effective date: 12-27-63.	7	
			Assignment 8-20-63.	395	3					5	
			Assignment 8-20-63.	395	4					7	
			Assignment 8-20-63.	395	6					7	
			Assignment 8-20-63.	395	7					7	
			Assignment 8-20-63.	395	8					7	
CI64-1509 A 6-22-64	The Atlantic Refining Co.	Northern Natural Gas Co., Covance Field, Pecos County, Tex.	Contract 4-17-64. ²⁴ Letter agreement 4-17-64. ²⁴	286		CI65-211 A 9-8-64	R. J. Beams	Kansas-Colorado Utilities, Inc., West Sparks Field, Stanton County, Kans.	Contract 3-1-64. ¹	1	
CI65-12 (CI64-808) ²¹ F 7-6-64	William B. Osborn, III.	Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	Contract 12-31-53. Assignment 4-30-64. Effective date: 5-1-64.	1	1	A CI65-212 (CI61-910) ⁴⁰ F 9-2-64	George L. Buckles, et al. (successor to Reserve Oil and Gas Co.).	El Paso Natural Gas Co., Langley-Mattix Field, Lea County, N. Mex.	Contract 5-4-49 Letter 6-13-49 Letter agreement 6-28-52. Letter agreement 7-3-54. Amendatory agreement 12-2-60. Conveyance 9-10-63. Assignment 10-3-63. Effective date: 10-1-63. Contract 4-29-64. ¹	10 10 10 10 10 10 10 77	
CI65-12 (G-2854) ²² F 7-6-64	do.	do.	Supplemental agreement 8-12-64. ²²	2	2						
CI65-122 A 8-10-64	Pan American Petroleum Corp. ²⁴	Michigan Wisconsin Pipe Line Co., Hopkins Unit "B", Quinlan Field, Woodward County, Okla.	Effective date: 5-1-64. Contract 1-13-64. Assignment 8-17-64. ²²	399	1	CI65-214 A 9-8-64	Lone Star Producing Co.	Northern Natural Gas Co., acreage in Lipscomb County, Tex.	Contract 4-2-64. ¹	2	
CI65-161 A 8-24-64 9-3-64 ²⁰	Dave Morgan (Operator), et al.	Cities Service Gas Co., acreage in Harper County, Okla.	Contract 7-22-64. ¹	1							
CI65-178 (G-3270) ²¹ B 8-26-64	Marshall R. Young	United Gas Pipe Line Co., West Mermaid Field, Jefferson Davis Parish, La.	Notice of cancellation 8-24-64. ²³	2	5	CI65-215 A 9-8-64	Hugh Goodrich (Operator), et al.	Lone Star Gathering Co., Nursery Field Area, Victoria County, Tex.	Contract 8-15-64. ¹	10	
CI65-182 A 8-31-64	Thomas N. Berry & Co. (Operator), et al.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	Contract 8-1-64. ¹	4		CI65-216 A 9-8-64	Worldwide Petroleum Corp.	Lake Shore Pipe Line Co., Bushnell (Pennsylvania) Field, Erie County, Pa.	Contract 8-10-64. ¹	6	
CI65-194 A 9-3-64	James F. Scott, et al. d. b. a. J. H. Hyde Well No. 1.	Hope Natural Gas Co., McClellan District, Doddridge County, W. Va.	Contract 7-16-64. ¹	4		CI65-219 A 9-1-64	Neal Rudder, et al.	Equitable Gas Co., Central District, Doddridge County, W. Va.	Contract 7-28-64. ¹	1	
CI65-195 A 9-3-64	Ralph L. Warner, agent for Guy L. Warner Estate.	Hope Natural Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 7-23-64. ¹	2							
CI65-196 A 9-2-64	Harvey L. Starr, et al. d. b. a. Wood County Wells Limited Partnership of New Jersey.	Equitable Gas Co., Central District, Doddridge County, W. Va.	Contract 8-23-64. ¹	6							
CI65-197 A 9-3-64	Humble Oil & Refining Co.	Kansas-Nebraska Natural Gas Co., Inc., Frenchie Draw Field, Fremont and Natrona Counties, Wyo.	Contract 8-11-64. ¹	359							
CI65-198 (CI62-767) B 9-3-64	W. H. Messer d. b. a. Stout Oil and Gas Co.	Hope Natural Gas Co., Frenchie Draw Field, Fremont and Natrona Counties, Wyo.	Notice of cancellation 6-30-64. ²³	48	1						
CI65-199 A 9-4-64	Texaco Inc.	Hope Natural Gas Co., Frenchie Draw Field, Fremont and Natrona Counties, Wyo.	Contract 8-6-64. ¹	341							
CI65-200 A 9-4-64	The California Co., a division of California Oil Co.	El Paso Natural Gas Co., Gallegos Canyon Unit, San Juan County, N. Mex.	Contract 7-25-64. ¹	33							
CI65-201 (CI64-490) B 9-4-64	W. H. Messer d. b. a. Gragg Oil & Gas Co.	Texas Eastern Transmission Corp., North Lake Fields Field, Lafourche Parish, La.	Contract 8-6-64. ¹	60	1						
CI65-203 (G-11787) F 7-6-64	Mobley & Stephens (Operator), et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Notice of cancellation 9-3-64. ²³	1	3						
		Arkansas Louisiana Gas Co., Metcalf Field, Caddo Parish, La.	Notice of cancellation 9-3-64. ²³								

See footnotes at end of table.

See footnotes at end of table.

¹⁵ By letter dated Feb. 12, 1964, Applicant requested redesignation of certificate application and rate schedule to reflect Circle Drilling as Operator of the properties.

¹⁶ No related rate schedule filing made by Applicant.

¹⁷ Interest in Sudan No. 1 Unit, acquired from E. W. Campbell. Supersedes his FPC GRS No. 4 as to such interest. Since Campbell now owns no interest in properties thereunder his FPC GRS No. 4 is superseded in its entirety by assignee's filings.

¹⁸ Interest in Gray No. 1 Unit, acquired from E. W. Campbell and heretofore covered by W. B. Osborn, Jr. (Operator), et al., FPC GRS No. 16.

¹⁹ Supplement waives filing of contract amendment eliminating downward B.t.u. adjustment which was suspended in Docket No. RI64-688 because it would result in increase to equivalent rate which exceeds 11.0 cents area ceiling for increases, therefore, proceeding in Docket No. RI64-688 will be terminated.

²⁰ Reflects acquisition by W. B. Osborn, Jr., of part of coowner's (E. W. Campbell's) interest, and deletion of remainder of Campbell's interests assigned to others who are filing separately. Term "(Operator), et al." being deleted from Osborn Jr., FPC GRS No. 13.

²¹ By letter filed Oct. 5, 1964, Applicant agreed to accept permanent certificate as conditioned herein.

²² Basic contract between Calvert Exploration Co. and Arkansas Louisiana, on file as Calvert's FPC GRS No. 3.

²³ Supplements basic contract between Calvert and buyer to cover casinghead gas from oil wells.

²⁴ Conveys acreage from Calvert to Pan American. Calvert will be requested to file these assignments as supplements to its FPC GRS No. 3.

²⁵ Adds acreage. Supplement filed July 9, 1964 with related amendment to application.

²⁶ Assignment from Humble to Applicant. The acreage is subject to Humble's contract of Jan. 13, 1964. At the time of the assignment Humble had not filed this contract with the Commission; however, subsequently, it filed the contract and accepted a permanent certificate similar to those issued under Opinion No. 353.

²⁷ Applicant filed an amendment to reflect a total initial price of 17.0 cents in lieu of 16.0 cents provided in the original application.

²⁸ Docket No. G-3270 will be terminated in part; other sales covered under this docket.

²⁹ Source of gas depleted.

³⁰ Production of gas no longer economically feasible.

³¹ Mokeen is a signatory party to the contract and seller's agent but owns no interest in the dedicated acreage.

³² The buyer is an affiliate of Coastal States Gas Producing Co., a signatory party and coowner (50%) with Kenoll Corp. (50%) of the dedicated acreage.

³³ The predecessors, Waylin and Transylvania did not have certificates or rate schedules on file.

³⁴ Basic contract between Transylvania Petroleum Co. as seller and United Fuel Gas Co. as buyer.

³⁵ Transylvania Petroleum Co. to Waylin Oil Co.

³⁶ Confirms sale of Transylvania to Waylin.

³⁷ Waylin Oil Co. to Quaker State Oil Refining Corp.

³⁸ Subject acreage formerly dedicated to Reserve Oil and Gas Co. FPC GRS No. 9. Reserve Oil and Gas Co. is being requested to file to delete this acreage from their FPC GRS No. 9.

[F.R. Doc. 64-11146; Filed, Nov. 4, 1964; 8:45 a.m.]

[Docket No. CP65-59]

CITY OF ALBANY, GEORGIA

Notice of Application

OCTOBER 28, 1964.

Take notice that on August 31, 1964, the City of Albany, Ga. (Applicant) filed in Docket No. CP65-59, an application pursuant to section 7(a) of the Natural Gas Act for an order directing South Georgia Natural Gas Co. (South Georgia) to establish a second physical connection of its transportation facilities with the distribution system of the Applicant at a point on the northwesterly side of the City of Albany and to deliver natural gas to Applicant through the said connection and facilities required to effectuate such delivery, all as more fully described in the application on file with the Commission and open to public inspection.

The estimated cost of facilities to South Georgia to make the said second connection is \$25,000, and the estimated cost to the Applicant for its connecting line is \$22,000.

On October 5, 1964, South Georgia filed an answer to the application wherein no objection to the requested order was raised.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of prac-

tice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11288; Filed, Nov. 4, 1964; 8:46 a.m.]

[Docket No. CP65-67]

W. H. DENNIS AND SON NATURAL GAS CO.

Notice of Application

OCTOBER 28, 1964.

Take notice that on September 11, 1964, W. H. Dennis and Son Natural Gas Co. (Applicant) of Bloomdale, Ohio, filed in Docket No. CP65-67 an application pursuant to section 7(a) of the Natural Gas Act for an order directing The Ohio Fuel Gas Co. (Ohio Fuel) to establish a physical connection of its natural gas transportation facilities with the gas distribution system of the Applicant at a point in Wood County, Ohio, and to sell and deliver natural gas to Applicant for local resale and distribution along the 3-inch and 2-inch pipeline to be constructed from the point of interconnection and to the Village of West Millgrove.

The volumes of natural gas requirements for the first three years of service are estimated as follows:

Years of service	Peak day	Annual
1.....	136	11,000
2.....	150	11,500
3.....	160	12,000

The estimated total cost of Applicant's proposed facilities is \$29,045, which cost will be paid from company funds.

On October 5, 1964, Ohio Fuel, filed an answer to the application herein advising that it had no objection to the issuance of the order requested by Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11289; Filed, Nov. 4, 1964; 8:46 a.m.]

[Project 2413]

GEORGIA POWER CO.

Notice of Place of Hearing

OCTOBER 29, 1964.

The hearing in the above-designated matter, fixed by the Commission's order issued October 20, 1964, on the application for preliminary permit filed by Georgia Power Co. for proposed Project No. 2413 on the Oconee River in Georgia, will commence at 10 a.m., e.s.t., November 17, 1964, in Court Room No. 212 in the Post Office Building, 115 Hancock Avenue, Athens, Ga.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11290; Filed, Nov. 4, 1964; 8:46 a.m.]

[Docket No. CP65-96]

NATURAL GAS PIPELINE COMPANY OF AMERICA**Notice of Application**

OCTOBER 29, 1964.

Take notice that on October 12, 1964, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-96, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional Daily Contract Quantity of 1,000 Mcf of natural gas to Iowa Electric Light and Power Co. (Iowa Electric) for resale to Monsanto Co., an existing industrial customer of Iowa Electric, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver the additional contract demand quantity of 1,000 Mcf on a firm and non-interruptible basis to Iowa Electric with a presently effective daily contract quantity of 31,776 Mcf under Applicant's Rate Schedule CD-1. Iowa Electric will supply the gas to Monsanto for use as a raw material in the manufacture of agricultural fertilizers. No additional facilities are required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11291; Filed, Nov. 4, 1964; 8:46 a.m.]

[Docket No. E-7187]

WESTERN LIGHT & TELEPHONE CO., INC.**Notice of Application**

OCTOBER 29, 1964.

Take notice that on October 20, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Western Light & Telephone Co., Inc. (Western Light), incorporated under the laws of the State of Delaware and doing business in the States of Iowa, Kansas, and Missouri, with its principal place of business office at Great Bend, Kans., requesting authority for a proposed merger with the Western Power & Gas Co. (Westgas). Westgas is incorporated under the laws of the State of Delaware and doing business in the States of Colorado, Nebraska, and South Dakota, with its principal place of business office at Lincoln, Nebr.

Western Light is engaged in generating, transmitting, distributing and selling electric energy, in furnishing telephone service, and, to a lesser extent, in distributing and selling natural gas and water. The territory in which it supplies electric service in the State of Kansas covers 33 counties, in which it services at retail 53,135 customers in 144 communities and adjoining rural territory, and at wholesale, thirteen municipalities. It furnishes telephone service to five communities in Kansas, twelve communities in Iowa, and 25 communities in Missouri. In addition, it furnishes natural gas service in eleven communities and water service in five communities in the State of Kansas.

Westgas owns and operates electric generating, transmission and distributing properties in seven counties in Colorado, serving, at June 30, 1964, 51,283 customers in 43 communities and adjoining territory. Westgas owns and operates natural gas distribution properties serving 69 communities in Nebraska and South Dakota.

The application states that the cost of facilities involved in the proposed merger as of June 30, 1964, were, for Western Light, \$83,684,279, and for Westgas, \$70,610,980.

According to the application, Westgas shall merge into Western Light and upon such merger the separate existence of Westgas shall cease and Western Light shall continue to exist as the Surviving Corporation under the name of Western Power & Gas Co., Inc. and shall be governed by the laws of the State of Kansas. If the merger is effected, the shares of common stock of Western Light outstanding immediately prior to the effectiveness of the merger will be split in the ratio of 4 for 3. After this stock split, each share of common stock of Westgas (except shares held by dissenters from the merger) will be changed by the merger into one share of common stock of the Surviving Corporation. Also upon the effectiveness of the merger, each outstanding share of preferred stock of Westgas (except shares held by dissent-

ers from the merger) shall thereby be converted into one share of stock of the Surviving Corporation of the same par or stated value, and with the same rights, preferences, privileges, etc., as said shares had prior to the merger.

The Applicant, Western Light, represents that the ratio of exchange to the stockholders of Western Light and Westgas was arrived at by arm's-length negotiation between Western Light and Westgas; based on the relationship of the book and market values of, and the earnings and dividends paid on, the common stock of the respective companies, the character of the properties of the companies, their future prospects and such other factors as were deemed pertinent.

According to the application, the proposed merger will result in a combined company stronger financially, as well as in management and personnel. Westgas has had more experience and is better equipped to operate the telephone properties which will result from this merger. Western Light, on the other hand, is more experienced and better qualified in the electric power field, and can do a better job in operating the electric properties which will result from this merger of facilities. Better and less expensive service can, therefore, be furnished to the consumer in both electric and telephone service, as well as in the gas service which is a substantial part of the operations of Westgas.

Applicant, Western Light, states that all of the property of Westgas will be merged with that of Western Light upon the effectiveness of the merger. The operating facilities include the electric and gas properties of Westgas located in Colorado, South Dakota, and Nebraska. The stock of the various subsidiaries owned by Westgas will become the property of the Surviving Corporation. After the merger, there is no contemplated material change in the use of the facilities of either of the Constituent Corporations. No facilities presently in service will be retired as a result of the merger.

Any person desiring to be heard or to make any protests with reference to said application, should on or before November 20, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11292; Filed, Nov. 4, 1964; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION**HYOSCINE HELD IN NATIONAL STOCKPILE****Proposed Disposition**

Pursuant to the provisions of section 3(e) of the Strategic and Critical Ma-

terials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of the proposed disposition of approximately 2,100 ounces of hyoscine now held in the national stockpile.

This quantity of hyoscine is excess to the needs of the stockpile as a result of a revised determination, made by the Office of Emergency Planning pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a, with respect to the quantity of hyoscine to be stockpiled.

Since the revised determination was not by reason of obsolescence of the hyoscine for use in time of war, this proposed disposition is referred to the Congress for its express approval as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to make said hyoscine available for transfer to other Government agencies, for sale on a competitive basis, or for disposition in such other manner as may be in the best interest of the Government, upon the express approval by the Congress of this proposed disposition, but not prior to the expiration of six months after the date of publication of this notice in the FEDERAL REGISTER. It is proposed that the hyoscine will be disposed of within a period of approximately one year and will be made available in quantities of interest to any potential buyer, including those who qualify as small business.

The plan and date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets, as well as the protection of the United States against avoidable loss.

Dated: October 28, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64-11309; Filed, Nov. 4, 1964;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-315]

AMERICAN ELECTRIC SECURITIES CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 30, 1964.

Notice is hereby given that American Electric Securities Corp. ("applicant"), % Charles S. Guggenheimer, Esq., Guggenheimer & Untermeyer, 80 Pine Street, New York 5, New York, a Delaware corporation and a management closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company. All persons are referred to

No. 217—4

the amended application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant registered under the Act on November 1, 1940. At a special meeting on March 16, 1964, shareholders of the applicant voted to transfer substantially all of its assets to The Lehman Corp. ("Lehman"), a registered management closed-end non-diversified investment company, in exchange for shares of capital stock of Lehman and to distribute the shares received to shareholders of the applicant and for dissolution of the applicant.

On March 20, 1964, applicant transferred to Lehman all of the shares of stock held in its portfolio and received in exchange therefor 61,791 shares of capital stock of Lehman. These shares were transferred to Empire Trust Company ("Empire") as duly appointed agent for the shareholders. Empire caused such shares of Lehman to be distributed to those shareholders of the applicant who surrendered their shares for cancellation. As of September 22, 1964, Empire held 1,232 shares of capital stock of Lehman and \$307.94 representing distribution declared by Lehman. Empire, as agent, is holding such Lehman shares for shareholders of the applicant who have not exchanged their shares. Applicant's sole remaining asset, \$58,154.16 as of September 22, 1964, is under the control of the Court of Chancery of the State of Delaware in and for New Castle County for benefit of shareholders of the applicant and to provide for payment of any additional claims or debts and expenses of liquidation.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application

shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-11285; Filed, Nov. 4, 1964;
8:46 a.m.]

[File No. 811-1274]

APPLIED SCIENCE CAPITAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 30, 1964.

Notice is hereby given that Applied Science Capital Corporation ("applicant"), Suite 2308, 1700 Broadway, Denver, Colorado, a Colorado corporation and a management closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") and licensed to operate under the Small Business Investment Act of 1958, has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein.

Applicant represents that it has no present intention of offering its securities to the public and that all its outstanding securities are beneficially owned by thirty stockholders.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1964 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act,

an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by registered mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 64-11286; Filed, Nov. 4, 1964;
8:46 a.m.]

[File No. 811-1219]

EBERSTADT INCOME FUND, INC.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

OCTOBER 30, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that The Eberstadt Income Fund, Inc. ("applicant"), 65 Broadway, New York 6, New York, a Maryland corporation and a registered open-end diversified management investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

The applicant filed a Notification of Registration and registration statement under the Act on May 31, 1963. Applicant states that it has issued no shares of its capital stock and has no intention to offer shares to the public. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. A registration statement under the Securities Act of 1933 was withdrawn on July 9, 1964.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary,

Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 64-11287; Filed, Nov. 4, 1964;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1073-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 1964.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC 67369. Application filed November 2, 1964, for AR-DEE ALASKA TRUCK LINES, INC., 900 Minnesota Building, St. Paul 1, Minn., to temporarily lease the operating rights of HERDA ALASKA TRUCK LINES, INC. (JAMES C. NOONAN, RECEIVER), 60 East 4th Street, St. Paul 1, Minn., under section 210a(b). The transfer to AR-DEE ALASKA TRUCK LINES, INC., of the operating rights of HERDA ALASKA TRUCK LINES, INC., is pending.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-11318; Filed, Nov. 4, 1964;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 2, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39362: *Fresh meats and packinghouse products from Worthington, Minn.* Filed by Western Trunk Line Committee, agent (No. A-2378), for interested rail carriers. Rates on fresh meats and packinghouse products, in

carloads, from Worthington, Minn., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Western Trunk Line Committee, agent, tariff I.C.C. A-4518.

FSA No. 39363: *Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 88), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 34 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-I.C.C. 286.

FSA No. 39364: *Bituminous coal to points in Alabama and Georgia.* Filed by O. W. South, Jr., agent, (No. A4583), for interested rail carriers. Rates on bituminous coal and coal briquettes that are manufactured from raw coal (from which no byproducts have been extracted), pressed into forms by use of a binder in straight or mixed carloads, in carloads, from mine origins in Kentucky, Virginia, and West Virginia, to points in Alabama and Georgia.

Grounds for relief: Market competition and restoration of origin rate relationships.

Tariffs: Supplements 5 and 6 to Chesapeake and Ohio Railway Company tariffs I.C.C. 13861 and 13914, respectively.

FSA No. 39365: *Service station specialty items from and to points in southwestern territory.* Filed by Texas-Louisiana Freight Bureau, agent (No. 521), for interested rail carriers. Rates on antifreeze alcohol and other items commonly sold in gasoline service stations, in mixed carloads with petroleum lubricating oil and/or petroleum lubricating grease, in packages, in carloads, not to exceed 10 percent of weight of lubricating oils and grease, from points in southwestern territory, to Louisiana and Texas gulf ports, Brownsville, Eagle Pass, El Paso, Laredo, and Presidio, Tex., for export to Mexico, also to points in Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 49 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-11302; Filed, Nov. 4, 1964;
8:47 a.m.]

[Notice 1073]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67054. By order of October 27, 1964, the Transfer Board approved the transfer to A A A Transfer, Inc., Seattle, Wash., of Certificate in No. MC 9194, issued March 30, 1942, to Merchants Transfer & Storage Company, a Corporation, Seattle, Wash., authorizing the transportation of: General commodities, with the usual exceptions including household goods, between points within three miles of Seattle, Wash., including Seattle. Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash., representative for applicants.

No. MC-FC 67145. By order of October 27, 1964, the Transfer Board approved the transfer to John L. Muth, doing business as Muth Van Service, Lexington, Ky., of Certificate in No. MC 106369, issued December 23, 1959, to Reliable Van Service, Inc., Lexington, Ky., authorizing the transportation of: Horses, other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in the care and exhibition of such horses, mascots and the personal effects of their attendants, trainers and exhibitors, between points in Illinois, Indiana, Kentucky, Michigan, and Ohio. George M. Catlett, Suite 703 McClure Building, Frankfort, Ky., attorney for applicants.

No. MC-FC 67157. By order of October 27, 1964, the Transfer Board approved the transfer to Modern Moving & Storage, Inc., Fayetteville, N.C., of a portion of Certificate in No. MC 19105, issued August 14, 1958, to Forbes Transfer Company, Inc., Wilson, N.C., authorizing the transportation of: Household goods, between Wilson, N.C., and points within 75 miles thereof, on the one hand, and, on the other, points in North Carolina, Virginia, South Carolina, and Georgia. Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C., attorney for applicants.

No. MC-FC 67172. By order of October 27, 1964, the Transfer Board approved the transfer to Jack Farnell, doing business as Los Angeles Turf Express, Los Angeles, Calif., of Certificate in No. MC 114210 Sub 1, issued September 22, 1960, to Violet Baze, doing business as Horse Van Service, Renton, Wash., authorizing the transportation of: Horses, other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots, and the personal effects of their attendants, trainers and exhibitors, between points in Washington, on the one hand, and, on the other, points in Oregon, and, between points in Washington and Oregon, on the one hand, and, on the other, points in California. R. Y. Schureman, 1010 Wilshire

Boulevard, Los Angeles, Calif., 90017, attorney for applicants.

No. MC-FC 67189. By order of October 27, 1964, the Transfer Board approved the transfer to Bernard Tunink, Howard Tunink, and Gary Tunink, a partnership, doing business as Tunink and Sons, Glidden, Iowa, of Certificate in No. MC 8360, issued July 29, 1959, to Bernard Edward Tunink, Glidden, Iowa, authorizing the transportation of: Livestock, from Glidden, Iowa, to Omaha, Nebr., serving intermediate and off-route points within 20 miles of Glidden; and feed, tankage, hay, lumber, agricultural implements, cement blocks, tile, flour, tires, oil, paint, and hardware, from Omaha, Nebr., to Glidden, Iowa, serving intermediate and off-route points within 20 miles of Glidden.

No. MC-FC 67198. By order of October 26, 1964, the Transfer Board approved the transfer to Skjonsby Truck Line, Inc., Fargo, N. Dak., of the Certificate in No. MC 103602, issued February 12, 1962, to Bruce Skjonsby, doing business as Skjonsby Truck Line, Fargo, N. Dak., authorizing the transportation of: Heavy farm machinery, the transportation of which requires special equipment, and parts therefor; and heavy construction equipment, between points in North Dakota, on the one hand, and, on the other, points in South Dakota and Minnesota. Alan Foss, 502 First National Bank Building, Fargo, N. Dak., attorney for applicants.

No. MC-FC 67211. By order of October 27, 1964, the Transfer Board approved the transfer to Geraldine Coulson and Vernon J. Robillard, a partnership, doing business as T. W. Robillard, Waterbury, Conn., of Certificate in No. MC 13860, issued November 25, 1940, to William Robillard, doing business as T. W. Robillard, Waterbury, Conn., authorizing the transportation of: Household goods, between Waterbury, Conn., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, and Rhode Island. Eugene H. Kaplan, 111 West Main Street, Waterbury 2, Conn., attorney for applicants.

No. MC-FC 67213. By order of October 27, 1964, the Transfer Board approved the transfer of Cecil T. Weide, 105 South Lincoln, Yates Center, Kans., of Certificate in No. MC 1808, issued May 26, 1959, to Steve Kester, Toronto, Kans., authorizing the transportation of: Livestock, between Toronto, Kans., and Kansas City, Mo., serving the intermediate and off-route points within ten miles of Toronto, restricted to pickup only; and, feed, building materials, and farm machinery, from Kansas City, Mo., to Toronto, Kans., serving the intermediate and off-route points within ten miles of Toronto, restricted to delivery only.

No. MC-FC 67222. By order of October 26, 1964, the Transfer Board approved the transfer to Hocker Transfer, Inc., North Liberty, Ind., of Certificate in No. MC 62724, issued February 4, 1943, to Dola Hocker, doing business as Hocker Transfer Line, North Liberty, Ind., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodi-

ties in bulk, between South Bend, Ind., and Walkerton, Ind., serving the intermediate point of North Liberty, Ind., and the off-route points of Koontz Lake and Groveton, Ind. Douglas D. Seely, Jr., 801 Odd Fellows Building, South Bend, Ind., 46601, attorney for applicants.

No. MC-FC 67232. By order of October 27, 1964, the Transfer Board approved the transfer to Able Van Lines, Inc., Tulsa, Okla., of Certificate in No. MC 111962 Sub 3, issued October 4, 1961, to American Transfer & Storage Company, a corporation, Tulsa, Okla., authorizing the transportation of: Household goods, between points in Tulsa County, Okla., on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, and Texas. W. T. Brunson, 419 Northwest 6th Street, Oklahoma City 3, Okla., attorney for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.[F.R. Doc. 64-11303; Filed, Nov. 4, 1964;
8:47 a.m.][Service Order 947; Taylor's Car Distribution
Order 21]**WESTERN MARYLAND RAILWAY CO.****Shortage of Freight Cars**

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Western Maryland Railway Co. shall deliver to the Norfolk and Western Railway Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars delivered under this order shall be carded to the Norfolk and Western Railway Co. and each car shall be identified by the Western Maryland Railway Co. as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m., November 2, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 64-11304; Filed, Nov. 4, 1964;
8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 22]

ERIE-LACKAWANNA RAILROAD CO. AND SOO LINE RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Erie-Lackawanna Railroad Co. shall deliver to the Soo Line Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by Soo Line Railroad Co. under this order will be delivered to the Northern Pacific Railway Co.

It is further ordered, That the Erie-Lackawanna Railroad Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Soo Line Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Northern Pacific Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m., November 2, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 64-11305; Filed, Nov. 4, 1964; 8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 23]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of

inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Erie-Lackawanna Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by Chicago, Burlington & Quincy Railroad Co. under this order will be delivered to the Northern Pacific Railway Co.

It is further ordered, That the Erie-Lackawanna Railroad Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Chicago, Burlington & Quincy Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Northern Pacific Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m. November 2, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 64-11306; Filed, Nov. 4, 1964; 8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 9-A]

BALTIMORE AND OHIO RAIL ROAD CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order (vacating Taylor's Car Distribution Order No. 9) shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The Baltimore and Ohio Railroad Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co. a daily average of 40 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by the Chicago, Rock Island and Pacific Railroad Co. under this order will be delivered to the Northern Pacific Railway Co.

It is further ordered, That The Baltimore and Ohio Railroad Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Chicago, Rock Island and Pacific Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Northern Pacific Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m., November 3, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 2, 1964.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[SEAL]

[F.R. Doc. 64-11319; Filed, Nov. 4, 1964; 8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 10-A]

NEW YORK CENTRAL RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order (vacating Taylor's Car Distribution Order No. 10) shall be made effective upon less than 30 days' notice.

Therefore, it is ordered, That:

(a) The New York Central Railroad Co. shall deliver to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., a daily average of 40 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. under this order will be delivered to the Great Northern Railway Co.

It is further ordered, That The New York Central Railroad Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered

with cars to the Great Northern Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m., November 3, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

It is further ordered, That this order shall be served upon the Association of American Railroad, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 2, 1964.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

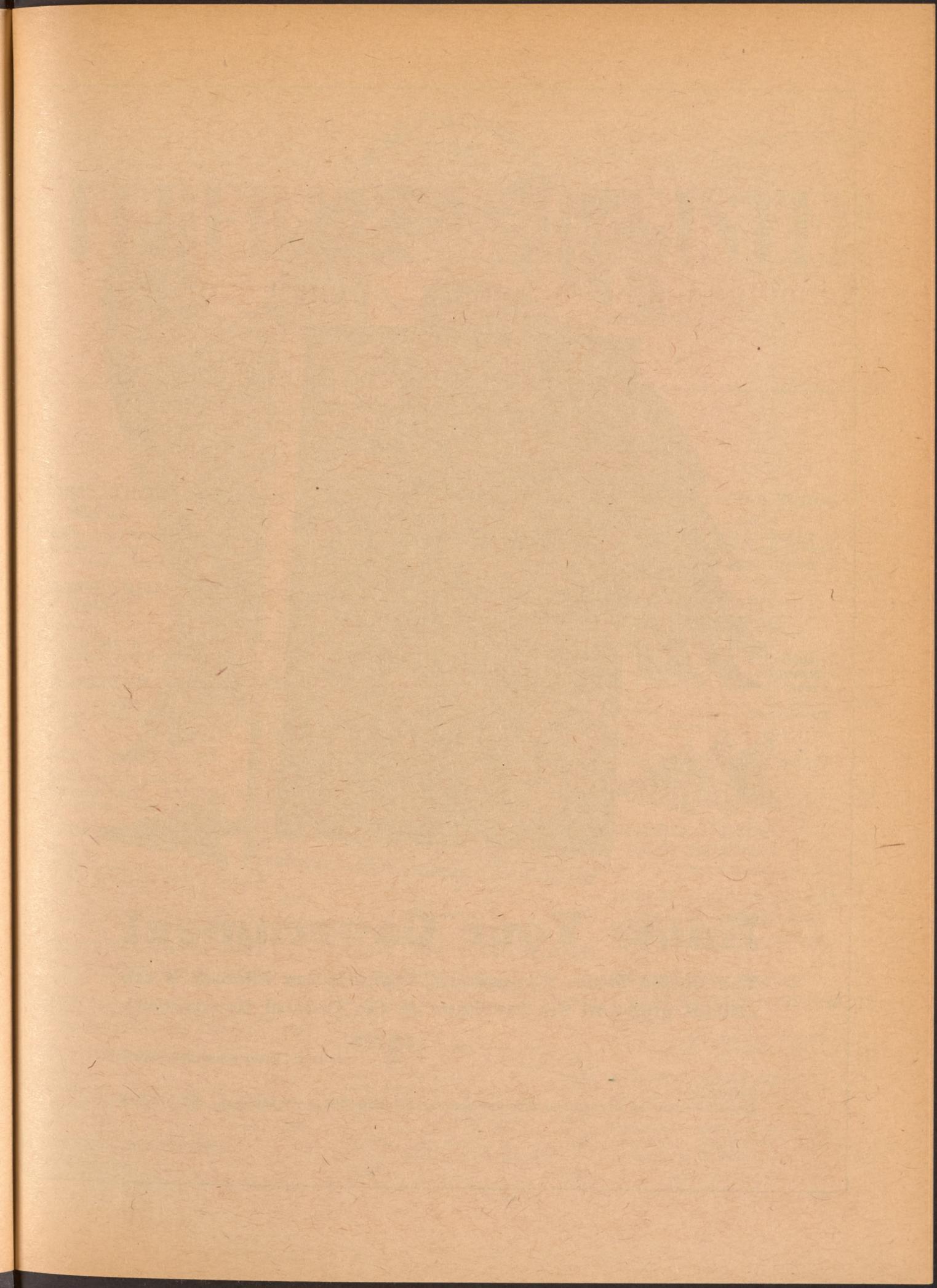
[SEAL]

[F.R. Doc. 64-11320; Filed, Nov. 4, 1964; 8:48 a.m.]

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